



भारत का राजपत्र The Gazette of India

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No. 31] NEW DELHI, SATURDAY, AUGUST 5, 1995/SRAVANA 14, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय के छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विविध, व्याप और कम्पनी कार्य मंत्रालय

(विविध कार्य विभाग)

(न्यायिक अनुभाग)

सूचना

नई दिल्ली, 19 जुलाई, 1995

MINISTRY OF LAW, JUSTICE AND COMPANY
AFFAIRS

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 19th July, 1995

S.O. 2100.—Notice is hereby given by the Competent Authority in pursuance of Rule 6a of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Ram Lal Gaur, Advocate for appointment as a Notary to practise in Hardoi Distr. (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(115)/95-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 19 जुलाई, 1995

का. आ. 2101.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एम. कन्नाकर, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे उद्दनी,

का. आ. 2100 :—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राम लाल गौड़, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे उद्दनी जिला (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में भेरे पास भेजा जाए।

[पं. 5 (115)/95-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

जिस व्यक्ति (नोटरीज) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (114)/95-न्यायिक]

पी. सी. कन्नन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 19th July, 1995

S.O. 2101.—Notice is hereby given by the Competent Authority in pursuance of Rule 6a of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. M. Rathnakar, Advocate for appointment as a Notary to practise in Udupi, Dist. Dakshin Kannada (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(114)/95-Judl.]

P. C. KANNAN, Competent Authority

सदस्य

नई दिल्ली, 19 जुलाई, 1995

का. आ. 2102 :—नोटरीज नियम 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सत्यनारायण बंसीवाल चंडक, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे विभागी—छिंदवाड़ा, (गुज.) (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (116)/95-न्यायिक]

पी. सी. कन्नन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 19th July, 1995

S.O. 2102.—Notice is hereby given by the Competent Authority in pursuance of Rule 6a of the Notaries Rules, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Satyanarayan Bansilal Chandak, Advocate for appointment as a Notary to practise in Pimpri Chindwad in Pune (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the notification of this notice.

[No. F. 5(116)/95-Judl.]

P. C. KANNAN, Competent Authority

कार्यवाही, लोक शिपयन तथा पेंशन मंत्रालय

(सामिक और प्रशिक्षण विभाग)

नई दिल्ली, 18 जुलाई, 1995

का. आ. 2103 :—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, छद्मी राज्य सरकार की सहमति से, आदेश [सं. 27527/पो. आई. सी./3-22/95 तारीख 29-04-95] द्वारा दिल्ली विशेष पुलिस स्थापन के सदस्यों का शक्तियों और

अधिकारिता का विस्तार निम्नलिखित अपराधों के सम्बन्ध में किया जाएगा जहाँ राज्य पर कर्तवी है, यथातः—

(क) भारतीय दण्ड संहिता की धारा 457 और 380 के अर्थात् गोतपुर, (उड़ीसा) पुलिस थाना में रजिस्ट्रोकृत अपराध सं. 39/83,

(ख) ऊपर वर्णित एक या अधिक अपराधों और उक्त कथनों से उत्पन्न होने वाले उसी संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराध या अपराधों के संबंध में या इनमें संलग्न प्रत्यक्ष सुझेरा और पड़ोस।

[संख्या 228/39/95-ए. सी. —[I]]

पराग प्रकाश, उप-सचिव

MINISTRY OF PERSONNEL, P. G. AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 18th July, 1995

S.O. 2103.—In exercise of the powers conferred by sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with consent of the State Government of Orissa vide order No. 27527/PIC/3-22/95 dated 29-4-1995 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Orissa for investigation of offences namely :—

(a) Crime No. 39/83 registered with Sonepur Police Station under section 457/380 IPC of the Indian Penal Code.

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/39/95-AVD.III]

PARAG PRAKASH, Dy. Secy

विन मंत्रालय

(राजस्व विभाग)

कार्यालय : आयुक्त, सीमा एवं केन्द्रीय सत्यान गृहक उत्तर प्रदेश

मेरठ 18 जून, 1995

सं. 01/95-ए. ए. (एनटी)

का. आ. 2104 :—भारत सरकार, विन मंत्रालय, राजस्व विभाग, नई दिल्ली की दिनांक 1-7-94 की अधिसूचना सं. 33/94-सीमा गृहक (एन. टी.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं उत्तर प्रदेश राज्य के जिला मेरठ, नहमीन मदाना, ग्राम कटरा को सीमा गृहक अधिनियम 1962 (1962 का 52) की धारा 9 के अन्तर्गत शक्त प्रविष्टत नियंत्रणस्थल दर्शाई व्यवस्थापन करने के उद्देश्य से क्षेत्र आर्गनिस स्टेशन घोषित करता हूँ, जैसा कि भारत सरकार, उद्योग मंत्रालय, औद्योगिक विकास विभाग, औद्योगिक अनुमोदन शक्तिवालय, नई दिल्ली द्वारा अनुमोदित है।

[फ. सं. अ. ए. (30) सी. गृ. / 2. आ. यू. / 77/95/11701]

रमा कान्त तिवारी, आयुक्त

MINISTRY OF FINANCE

New Delhi, the 26th June, 1995

(Department of Revenue)

(INCOME-TAX)

Office of the Commissioner Customs & Central Excise
North U.P.

Meerut, the 16th June, 1995

No. 01/95-Customs (NT)

S.O. 2104.—In exercise of the powers conferred by Notification No. 33/94 (NT) Customs dated 1-7-94 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi, I hereby declare the Village Katra, Tehsil Mawana, District Meerut in the State of Uttar Pradesh to be a warehousing station under Section 9 of the Customs Act, 1962 (52 of 1962) for the limited purpose of setting up 100 percent Export Oriented Undertakings, approved by the Government of India, Ministry of Industry, Department of Industrial Development, Secretariate of Industrial Approvals, New Delhi.

[File No. VIII(30)Cus/EOU/77/95/11701]

R. K. TEWARI, Commissioner

नई दिल्ली, 26 जून, 1995

आयकर

का. धा. 2105 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (V) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार द्वारा निरुमाला निरूपित देवस्थानमस, निरूपित, आन्ध्र प्रदेश को कर-निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित वर्गों के अधीन रहते हुए एक उपखंड के प्रयोक्ताय अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिता इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संकलन पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा, जिसके लिए उसकी स्थापना की गई है;
- (ii) कर-निर्धारिता आग-अलिखित कर-निर्धारण वर्गों से संगत पूर्ववर्ती वर्गों की किसी भी शक्ति के द्वारा धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक हंग अथवा तरीकों में निम्न तरीकों से इसकी निधि (जैव-अवाहिरात, फर्निचर आदि के रूप में प्राप्त तथा रख-रखाव में स्थितिक्रम अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे अथवा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारणवार से प्राप्त लाभ तथा अभिमान के रूप में ही जब तक कि ऐसा कारणवार एक-अर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारणवार के संबंध में अलग से निष्ठा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9790 (का. सं. 197/3/95-आयकर-1)]

एड. के चौधरी, अवर सचिव

S.O. 2105.—In exercise of the powers conferred by sub-section (v) of clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Tilwala Tirupati Devasthanams, Tirupati, A.P. for the purpose of the said clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9790 (F. No. 197/3/95-ITA-I)]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 3 जुलाई, 1995

मुख्यालय स्थापना

का. धा. 2106 :—केन्द्रीय राजस्व बोर्ड अधिनियम 1963 (1963 का सं. 54) के खण्ड 3 के उपखण्ड (2) में प्रदत्त शक्तियों के अनुसार केन्द्रीय सरकार, भारतीय राजस्व सेवा (के. उत्पाद भूक एवं सीमा भूक) की अधिकारी श्रीमती इला चटर्जी जो इनमें पूर्णकालीन सी. ए. ए. भर्तानिदेशक के पद पर सेवान्वित थी, 27 जून, 1995 के पूर्व-रूत से श्रीर. अथवा आदेश होने तक केन्द्रीय उत्पाद भूक एवं सीमा भूक बोर्ड में सदस्य के रूप में नियुक्त करती है।

[फा. सं. ए. 19011/4/95—प्रजा. II]

बी. के. मेहता, अवर सचिव

New Delhi, the 3rd July, 1995

HEADQUARTERS ESTABLISHMENT

S.O. 2106.—In exercise of the powers conferred by Sub-section (2) of Section 3 of the Central Board of Revenue Act, 1963 (No. 54 of 1963), the Central Government hereby appoints Smt. Ila Chatterjee, an officer of Indian Revenue Service (Customs and Central Excise) and formerly posted as Director General, NACEN as Member of the Central Board of Excise and Customs with effect from the forenoon of the 27th June, 1995 and until further orders.

[F. No. A-19011/4/95-Ad. II]

B. K. MEHTA, Under Secy.

नई दिल्ली, 5 जुलाई, 1995

मुख्यालय स्थापना

का. धा. 2107 :—केन्द्रीय राजस्व बोर्ड अधिनियम 1963 (सं. 1963 का 54) के खण्ड 3 के उपखण्ड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय

सरकार भारतीय राजस्व सेवा (आयकर) के अधिकारी श्री एन. एन. शिंदे को, जो पहले केन्द्रीय विद्युत प्राधिकरण, नई दिल्ली में संपन्न कंपन पर तैनात थे, 26 जून, 1995 को पूर्वाह्न से और अगली आदेश होगा तक केंद्रीय प्रत्यक्ष कर बोर्ड में एतद्वारा सदस्य नियुक्त करती है।

[फा. सं. 19011/7/95 प्रगा. I]

बी. क. मेहता, अवर सचिव

New Delhi, the 5th July, 1995

S.O. 2167.—In exercise of the powers conferred by Sub-section (2) of Section 3 of the Central Board of Revenue Act, 1963 (No. 54 of 1963), the Central Government hereby appoints Shri S. N. Shende, an officer of Indian Revenue Service (Income Tax) and formerly posted as Member, Central Electricity Authority, New Delhi, as Member of the CBRT with effect from the forenoon of the 26th June, 1995 and until further orders.

[F. No. A-19011/7-95-Ad. I]

B. K. MEHTA, Under Secy.

आदेश

नई दिल्ली, 10 जुलाई, 1995

स्टाम्प

का.आ. 2108:—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को भाग करती है जो निम्न-लिखित विनिष्ट संख्या वाले 10.5 प्रतिशत कर मुक्त भुक्तित्व विमोच्य अप्रतिवर्तनीय कॉकण रेलवे बंध-पत्रों के रूप में वर्णित प्रोविजरी नोटों के स्वरूप के बंध-पत्रों पर प्रभावी है:—

(i) पैंतीस करोड़ और दो लाख तथा सत्तानवे हजार रुपये के समग्र मूल्य के एक-एक हजार रु. अंकित मूल्य के 10,16,204 से 13,66,500 (2डी श्रृंखलाएं); और

(ii) मात्र दो सौ छिहत्तर करोड़ तथा दस लाख रु. के समग्र के एक-एक हजार रु. के अंकित मूल्य के 1 से 27,61,000 (3 क श्रृंखलाएं); और

(iii) मात्र चौहत्तर करोड़ समग्र मूल्य के एक-एक हजार रु. के अंकित मूल्य के 1 से 740,000 (3ख श्रृंखलाएं); और

(iv) कॉकण रेलवे निगम लि. दिल्ली द्वारा जारी किए गए मात्र बीसठ करोड़ तथा पचास लाख रु. के समग्र मूल्य के एक-एक हजार रु. के 1 से 61,5000 रु. (3 ग श्रृंखलाएं) के अंकित मूल्य के बंध-पत्रों पर उक्त अधिनियम के तहत प्रभावी है।

[फा. सं. 16/95-स्टाम्प फा. सं. 33/74/94- बि. क.]

एन. कुमार, अवर सचिव

ORDER

New Delhi, the 10th July, 1995

STAMPS

S.O. 2108.—In exercise of the powers conferred by clause (a) of sub section (1) of Section 9 of the Indian Stamp Act 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes described as 10.5% tax-free secured Redeemable Non-Convertible Konkau Railway Bonds bearing distinctive numbers—

(i) 10,16,204 to 13,66,500 (2-D Series) of the face value of rupees one thousand each of the aggregate value of rupees thirty-five crores and two lakhs and ninety seven thousand only; and

(ii) 1 to 27,61,000 (3-A Series) of the face value of rupees one thousand each of the aggregate value of rupees two hundred seventy six crores and ten lakhs only; and

(iii) 1 to 740,000 (3B Series) of the face value of rupees one thousand each of the aggregate value of rupees seventy four crores only; and

(iv) 1 to 6,45,000 (3-C Series) of the face value of rupees one thousand each of the aggregate value of rupees sixty-four crores and fifty lakhs only, issued by Konkau Railway Corporation Limited, Delhi are chargeable under the said Act.

[No. 16/95-Stamp F. No. 33/74/94-ST]

S. KUMAR, Under Secy

आदेश

नई दिल्ली, 21 जुलाई, 1995

का.आ. 2109:—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/27/95-सी.ए. 8 दिनांक 10-3-1995 को यह निर्देश जारी किया था कि श्री केशव लाख एन. जैन कमरा नं. 24/25, तृतीय मंजिल 151, बाजार गेट स्ट्रीट, फोर्ट, बम्बई-1 को नियुक्त कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे क्षत्रिय में कोई भी ऐसा कार्य जो विदेशी मुद्रा के संचयन के प्रतिकूल हो, करने से रोक जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सका;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त/इंस्पेक्टर जनरल पुलिस, बम्बई के समक्ष हाजिर हो।

[फा. सं. 673/27/95-सी. ए. 8]

एम. चन्द, अवर सचिव

ORDER

New Delhi, the 21st July, 1995

5.0 2100.-Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/27/95-Cus. VIII dated 10-3-1995 under the said sub-section directing that Shri Keshavlal N. Jain Room No. 24/25, 3rd Floor, 151, Bazar Gate Street, Fort, Bombay-1 be detained and kept in custody in the Central Prison Bombay with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed ;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/Director General of Police, Bombay within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/27/95-Cus. VIII]

ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 21 जुलाई, 1995

का.प्र. 2110.-भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और नस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/18/95-सी.प्र.-8 दिनांक 7-2-1995 को यह निर्देश जारी किया था कि श्री प्रदीप कुमार उर्फ प्रदीप कुमार जोशी सपुत्र श्री राम स्वरूप पता: चहल नगर, फगवाड़ा, जिला कपूरथला, पंजाब को निरुद्ध कर दिया जाए और केन्द्रीय कारागार, कपूरथला में अभिरक्षा में रखा जाए ताकि उसे भविष्य में कोई भी ऐसा कार्य जो विदेशी मुद्रा के संवर्धन के प्रतिकूल हो, करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त/डायरेक्टर जनरल पुलिस, जालंधर के समक्ष हाजिर हो।

[फा. सं. 673/18/95-सी.प्र.-8]

रूप चन्द, अधीन सचिव

ORDER

New Delhi, the 21st July, 1995

5.0 2110.-Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/18/95-Cus. VIII dated 7-2-1995 under the said sub-section directing that Shri Pardeep Kumar @ Pardeep Kumar Joshi S/o Shri Ram Sarup, R/O Chahal Nagar, Phagwara, Distt. Kapurthala, Punjab be detained and kept in custody in the Central Prison Kapurthala with

a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed ;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/Director General of Police, Jalandhar within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/18/95-Cus. VIII]

ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 21 जुलाई, 1995

का.प्र. 2111.-भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और नस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/18/95-सी.प्र.-8 दिनांक 24-1-95 को यह निर्देश जारी किया था कि श्री पवन कुमार चडमल सपुत्र श्री विश्वनाथ चडमल, 923, बिल्डिंग नं. 17, एम. एन. बी. कॉलोनी, केहर नगर बान्द्रा (ईस्ट) बम्बई-400051 को निरुद्ध कर दिया जाये और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाये ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कोई भी कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके।

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त/डायरेक्टर जनरल पुलिस, बम्बई के समक्ष हाजिर हो।

[फा. सं. 673/18/95-सी.प्र.-8]

रूप चन्द, अधीन सचिव

ORDER

New Delhi, the 21st July, 1995

5.0 2111.-Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/18/95-Cus. VIII dated 24-1-1995 under the said sub-section directing that Shri Pawan Kumar Choumal S/o Shri Vishwanath Choumal 923, Building No. 17, M.N.B. Colony, Kher Nagar Bandra (E), Bombay-400051 be detained and kept in custody in the Central Prison Bombay with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed ;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/Director General of Police, Bombay within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/13/95-Cus. VIII]

ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 21 जुलाई, 1995

फा.सं. 2112.--भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/35/95-सी.ए. -8 दिनांक 17-4-1995 को यह निदेश जारी किया था कि श्री जागीर सिंह सपुत्र श्री भज्जन सिंह 99-ग्रीन एवेन्यू, अमृतसर, पंजाब को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, जालन्धर में अभिरक्षा में रखा जाये ताकि उसे अभियोग में विदेशी मुद्रा के संवर्धन के प्रतिकूल प्रत्येक कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके।

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त/डायरेक्टर जनरल पुलिस, जालन्धर के समक्ष हाजिर करें।

[फा.सं. 673/35/95-सी.ए. -8]

रूप चन्द, अध्वर सचिव

ORDER

New Delhi, the 21st July, 1995

S.O. 2112.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act 1974 (52 of 1974) issued order F. No. 673/35/95-Cus. VIII dated 17-4-1995 under the said sub-section directing that Shri Jagir Singh S/o Shri Sajjan Singh 99-Green Avenue, Amritsar (Punjab) be detained and kept in custody in the Central Prison Jalandhar with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/Director General of Police, Jalandhar within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/35/95-Cus. VIII]

ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 24 जुलाई, 1995

फा.सं. 2113.--भारत सरकार के संयुक्त सचिव ने जिस विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/145/93-सी.ए. -8 दिनांक 10-1-1994 को यह निदेश जारी किया था कि श्री छगन भाई सपुत्र श्री दालाजी सोनी पता : कैलाशधाम मन्दिर के पीछे, बिचरपुर, पालानपुर (गुजरात) को निरुद्ध कर लिया जाये और केन्द्रीय कारागार, जोधपुर में अभिरक्षा में रखा जाये ताकि उसे अभियोग में तस्करी मात को छुपाने एवं तस्करी मात का व्यवहार करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके।

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त/डायरेक्टर जनरल पुलिस, जोधपुर के समक्ष हाजिर हों।

[फा.सं. 673/145/93-सी.ए. -8]

ए.के. सिन्हा, अध्वर सचिव

ORDER

New Delhi, the 24th July, 1995

S.O. 2113.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/145/93-Cus. VIII dated 10-1-1994 under the said sub-section directing that Shri Chagan Bhai, S/o Shri Dalaji Soni R/O Behind Kailash Dham Temple, Becharpur, Palanpur (Gujarat) be detained and kept in custody in the Central Prison Jodhpur with a view to preventing him from engaging in concealing smuggled goods and dealing in smuggled goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed:

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner/Director General of Police, Jaipur within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/145/93-Cus. VIII]

A. K. SINHA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 24 जुलाई, 1995

कॉ.आ.2114—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध). स्वीय 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा निम्नलिखित व्यवस्थियों को 24 जुलाई, 1995 को आरम्भ होने वाली तीन वर्षों की अवधि के लिये केनरा बैंक के निदेशकों के रूप में नामित करती है :—

- (1) श्री राजकुमार होटचंद अडवानी, बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (छ) के अनुसरण में।
ए.एफ. फर्ग्युसन एण्ड कं.,
एक्सप्रेस टावर, नरिमान प्वाइंट
बम्बई-400021
- (2) श्री एम.आर. कृष्णामूर्ति, बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3क) के साथ पठित उपधारा (3) के खण्ड (ज) के अनुसरण में।
"श्री विजयालक्ष्मी निलय",
नं. 118 एम, आई मेन रोड,
एम.एल.ए. लेआउट,
आर.टी. नगर, बंगलूर-560032
- (3) श्री सी. चेरियान, —तदैव—
"थे नेस्ट",
पदिजारेथलैकल,
टॉवर रोड, फोर्ट कोचीन,
कोचीन 682 001

- (4) श्री विजयजी. कालाररी, बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3क) के साथ पठित उपधारा (3) के खण्ड (ज) के अनुसरण में।
2, वाहेदना अपार्टमेंट्स
73, जूल रोड, बाम्बा (पश्चिम),
आरा 9 की उपधारा (3क) के साथ
बम्बई-400 050

- (5) श्री लता पदेमा रामचन्द्र, —तदैव—
डी-86, मार्ग 10, माफेन,
नई दिल्ली-17

- (6) श्री छोडावरण् वाला गोपी, —तदैव—
1-2-412/18/ए, गगनमंडल,
फाफोली, डीमालगुडा,
हैदराबाद-500 029

2 राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्वीय, 1970 के खण्ड 3 के उपखंडों के पश्चात्, केनरा सरकार, एतद्वारा, निदेश देती है कि उपर्युक्त पैरा 1 में उल्लिखित निदेशकों के नामांकन के परिणामस्वरूप निम्नलिखित व्यक्ति तत्काल प्रभाव से केनरा बैंक के बोर्ड में निदेशक नहीं रहेंगे।

- (1) श्री उमेश चन्द्र
- (2) श्रीमती गणपता बा

[मं. 9/35/92-बी.ओ.-I]

क.के. मंगल मकर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, 24th July, 1995

S.O.2114.—In exercise of the powers conferred by sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby nominates the following persons as Directors of Canara Bank for a period of three years commencing on 24th July, 1995.

- (1) Sh. Rajkumar Hotchand Advani,
A.F. Ferguson & Co.
Express Towers,
Nariman Point,
Bombay-400021.

In pursuance of Clause (g) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

- (2) Sh. M.R. Krishnamurthy,
'Sri Vijayalakshmi Nilaya',
No. 118 M, I Main Road,
M.L.A. Layout,
R.T. Nagar,
Bangalore-560032.

In pursuance of Clause (h) of Sub-section (3) read with Sub-section 3(A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.

- (3) Sh. C. Cherian,
'The Nest',
Padijarethalackal,
Tower Road Fort Cochin,
Cochin-682 001

-do-

(4) Sh. Vijay G. Kalantri,
2, Wahedna Apartments,
75, Hill Road, Bandra (W),
Bombay-400 050

In pursuance of clause (h) of Sub-section (3) read with Sub-section (3A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act 1970.

(5) Smt. Padma Ramachandran,
D-66, Marg 10, Saket,
New Delhi-17

-do-

(6) Sh. Chodavarapu Bala Mouli,
1-2-412/18/A, Gaganmahal,
Colony, Demalguda,
Hyderabad-500 029.

-do-

2. In accordance with the provisions of Clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby directs that consequent to nomination of the Directors as mentioned in para 1 above, the following persons shall cease to be Directors on the Board of Canara Bank with immediate effect.

(1) Shri Unesh Chandra

(2) Smt. Shagufta Khan.

[F. N. 9/35/92-BO. I]

K.K. MANGAL, Under Secy.

सामयिक पूर्ति उपसंस्था मामले और
सार्वजनिक वितरण संयंत्रों

में दिवस 26 जुलाई 1995

का. आ. 2115.—केंद्रीय सरकार द्वारा और मास मानक अधिनियम, 1976 (1976 का 60) की धारा 36 की उपधारा (7) और उपधारा (12) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार के आर्थिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय की अधिसूचना सं. का. आ. 505 तारीख 4 फरवरी 1994 में निम्नलिखित संशोधन करने के अर्थ में—

उक्त अधिसूचना के पृष्ठ 4 के स्तंभ 1 के पैरा 3 में "6000 किलोग्राम" की अपरिमित क्षमता वाले बरतों और बरतों के पदार्थों के निम्नलिखित शब्दों को अन्तर्भावित किए जाने अर्थात्—

"और 30 किलोग्राम, 60 किलोग्राम, 150 किलोग्राम, 300 किलोग्राम, 600 किलोग्राम, 1500 किलोग्राम, 3000 किलोग्राम और 6000 किलोग्राम की अपरिमित क्षमता के डी. आई. - 20 मिरिज की।"

[प. सं. डब्ल्यू.एम. 12 (10) 95]

राज्यीय अधिसूचना संयुक्त सचिव

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, the 26th July, 1995

S.O. 2115.—In exercise of the powers conferred by sub-section (7) and (12) of section 36 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby makes the following amendment in the

notification of the Government of India in the Ministry of Civil Supplies, Consumer Affairs and Public Distribution number S.O. 505 dated 4th February, 1994, namely :—

In the said notification at page 4, in column 1, in paragraph 3 after the figures and word "6000, kilogram", the following words and figures shall be inserted, namely :—

"and of series DI-20 of maximum capacities 30 kilogram, 60 kilogram, 150 kilogram, 300 kilogram, 600 kilogram, 1500 kilogram, 3000 kilogram and 6000 kilogram."

[F. No. WM-12(10)95]

RAJIV SRIVASTAVA, Jt. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 1 अगस्त, 1995

का.आ. 2116.—केंद्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 6 की उपधारा (1) के अधीन जारी की गई थी, और भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 17 सितम्बर, 1994 के पृष्ठ सं. 3538 से 3541 पर प्रकाशित भारत-सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 2395, तारीख 5 सितम्बर, 1994 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन

के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि अर्जित करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार के ध्यान में यह लाया गया है कि राजपत्र में उक्त अधिसूचना के प्रकाशन में मुद्रण की कतिपय गलतियाँ हुई हैं;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना से संलग्न अनुसूची का निम्न प्रकार से संशोधन करती है :—

पृष्ठ सं. 3539 ग्राम मावसिया के मामले स्तंभ (2) के नीचे खसरा संख्यांक 1560 और उसके मामले स्तंभ (3) स्तंभ (4) और (5) से संबंधित प्रविष्टियों का लोप किया जाए।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी विल्लगनों से मुक्त होकर, इंडियन आयल कारपोरेशन में निहित होगा।

[सं. आर-31015/40/93-ओ.आर. I/(भाग 1)]

के.सी. कटोच, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 1st August, 1995

S.O. 2116.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2395, dated the 5th September, 1994 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 17th September, 1994 at pages 3541 to 3543, issued under sub-section (1) of section 6 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government gave notice of its intention to acquire the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum,

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby amends the 1770 GI/95—2.

schedule appended to the said notifications as follows :—

at page 3541, in village Mawasiya, “against Khasra No. 296, in column 4 for “23” read “03”; in column 2, for Khasra No. “297” read “397”; in village Mawasiya, the line 1560-0-05-17 is omitted;

at page 3543, in column 1, against Khasra No. 813/1136, insert the name of village “Dhasol”,

Further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government vest free from all encumbrances in the Indian Oil Corporation Limited.

[No. R-31015/40/93-OR-I(Pt-1)]

K. C. KATOCH, Under Secy.

नई दिल्ली, 2 अगस्त, 1995

का.आ. 2117—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तंभ 1 में उल्लिखित प्राधिकारी को उक्त अनुसूची के स्तंभ 2 में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्रों की बाबत, उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है।

अनुसूची

प्राधिकारी का नाम और पता	क्षेत्र
1	2
श्री जी. एस. परमार, उप कलक्टर, मार्फत इंडियन आयल कारपोरेशन लिमिटेड, कांडला—शटिण्डा पाइपलाइन परियोजना, 355, सेक्टर, 12/बी, टैगोर रोड, गांधीधाम (कच्छ) 370001	गुजरात राज्य

[सं. आर. 31015/25/92-ओ.आर.—1]

के.सी. कटोच, अवर सचिव

New Delhi, the 2nd August, 1995

S.O. 2117.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the authority mentioned in column 1 of the Schedule given below to perform the functions of the Competent Authority under the said Act, in respect of areas mentioned in the corresponding entry in column 2 of the said Schedule.

SCHEDULE

Authority and Address	Area
1	2
Shri G.S. Parmar, Deputy Collector, C/o Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, 355, Sector 12/B, Tagore Road, Gandhidham (Kutch)—370001.	Gujarat State

[No. R-31015/25/92-OR-I]

K.C. KATOCH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 14 जुलाई 1995

का.आ. 2118.—भारतीय आयुर्विज्ञान परिषद अधिनियम 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के अनुसरण में डा. निवेदिता देसाई, एम. बी. बी. एन., डी. ई., एम. डी. आचार्य, आयुर्विज्ञान संकाय, प्रमुख स्वामी आयुर्विज्ञान महाविद्यालय, कर्मसाद को सरदार पटेल विश्वविद्यालय की निनेट के सदस्यों द्वारा 1 अप्रैल, 1995 से भारतीय आयुर्विज्ञान परिषद का सदस्य निर्वाचित किया गया है ;

अतः केन्द्रीय सरकार अब उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों के अनुसरण में भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना वा. आ. सं. 138 तारीख 9 जनवरी 1960 में निम्नलिखित और संशोधन करती है; अर्थात् :—

उक्त अधिसूचना में "धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्धारित" शेषक के अन्तर्गत निम्नलिखित क्रम संख्या और प्रविष्टि जोड़ी आएगी, अर्थात् :—

"73. डा. निवेदिता देसाई, सरदार पटेल विश्वविद्यालय"
एम. बी. बी. एन., डी. ई., एम. डी.,
आचार्य,
आयुर्विज्ञान संकाय,
प्रमुख स्वामी आयुर्विज्ञान महाविद्यालय,
कर्मसाद, गुजरात।

[सं. बी- 11015/20/92 - एम ई (यू जी)]

एम. के. मिश्रा, डेस्क अधिकारी

टिप्पण :— मूल अधिसूचना भारत के राजपत्र में अधिसूचना का. आ. 138 तारीख 9 जनवरी 1960 द्वारा प्रकाशित की गई थी।

MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 14th July, 1995

S.O. 2118.—Whereas in pursuance of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. Nivedita Desai, M.B.B.S., D.E., M.D.; Professor: Faculty of Medicine, Pramukh Swami Medical College, Karmasad has been elected by members of the Senate of the Sardar Patel University to be a member of the Medical Council of India from 1st April, 1995;

Now, therefore in pursuance of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of Government of India in the then Ministry of Health S.O. No. 138, dated the 9th January, 1960, namely :—

In the said notification under the heading "Election under clause (b) of sub-section (1) of section 3", the following serial number and entry shall be added, namely:—

"73. Dr. Nivedita Desai, Sardar Patel University"
M.B.B.S., D.E., M.D.,
Professor.
Faculty of Medicine, ,
Pramukh Swami Medical College,
Karmasad, Gujarat.

[No. V. 11015/20/92-ME(UG)]
S. K. MISHRA, Desk Officer

नई दिल्ली, 14 जुलाई, 1995

का. अ. 2119.—भारतीय आयुर्विज्ञान परिषद अधिनियम 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के अनुसूचन में डा. एस. एस. यादव, निदेशक, मेडिकल कॉलेज रोहतक और संकायाध्यक्ष चिकित्सा संकाय, महर्षि दयानन्द विश्वविद्यालय, रोहतक को उक्त विश्वविद्यालय की राधा द्वारा 27 मार्च 1995 को भारतीय आयुर्विज्ञान परिषद का सदस्य निर्वाचित किया गया है।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबन्धों के अनुसूचन में भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना संख्या का. अ. 138 तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित” शीर्षक के नीचे क्रम सं. 54 और उससे संबंधित प्रविष्टियों के स. पर निम्नलिखित क्रम सं. और प्रविष्टियाँ रखी जाएँगी, अर्थात् :—

“54. डा. एस. एस. यादव महर्षि दयानन्द
निदेशक मेडिकल कॉलेज विश्वविद्यालय रोहतक”
रोहतक और संकायाध्यक्ष
आयुर्विज्ञान संकाय
महर्षि दयानन्द विश्वविद्यालय
रोहतक।

[सं. का - 11013/6/93 - एम ई (पू. री.)]
ए. के. मिश्रा, डेस्क अधिकारी

टिप्पण :— मूल अधिसूचना भारत के राजपत्र में अधिसूचना का. अ. 138, तारीख 9 जनवरी, 1960 द्वारा प्रकाशित की गई थी।

New Delhi, the 14th July, 1995

S.O. 2119.—Whereas in pursuance of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) Dr. S. S. Yadav, Director, Medical College; Rohtak and Dean Faculty of Medicine, Maharshi Dayanand University, Rohtak has been elected by the Court of the said University on 27th March, 1995 to be a member of the Medical Council of India.

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number 54 and the entries

relating thereto, the following serial number and entries shall be substituted, namely :—

“54 Dr. S. S. Yadav, Maharshi Dayanand University, Medical College, Rohtak and Dean, Faculty of Medical Sciences, Maharshi Dayanand University, Rohtak.

[No. V. 11013/6/93-ME(UG)]

S. K. MISHRA, Desk Officer

Footnote : The Principal notification was published in the Gazette of India under No. S.O. 138, dated 9th January, 1960.

नागर विमानन और पर्यटन मंत्रालय

(नागर विमानन विभाग)

नई दिल्ली, 26 जुलाई, 1995

का. अ. 2120.—केन्द्रीय सरकार, गवर्नरी स्थान (अप्राधिकृत अधिभोगियों की वेदखली) अधिनियम, 1971 (1971 का 40) (जिसे इनके आगे “उक्त अधिनियम” कहा गया है) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 18 मई, 1991 के सारन के राजपत्र भाग 2, खंड 3, उपखंड (2) में प्रकाशित भारत सरकार के नागर विमानन मंत्रालय के 1 मई 1991 के का. अ. संख्या 1378 के अनुसूचन में एतद्वारा नीचे दी गई सारणी के स्तंभ (1) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारियों के रैंक के समतुल्य अधिकारी हैं उक्त अधिनियम के प्रयोजन के लिये सम्पदा अधिकारियों के रूप में नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) में विनिर्दिष्ट सरकारी स्थानों के संदर्भ में अपनी-अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेंगे और उन पर अधिरोपित कर्तव्यों का पालन करेंगे।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के संदर्भ और अधिकारिता की स्थानीय सीमाएं
1	2
1. महा प्रबंधक (कामिक)/उप महा-प्रबंधक (कामिक) पश्चिमी क्षेत्र इंडियन एयरलाइन्स लिमिटेड, मुम्बई	इंडियन एयरलाइन्स लिमिटेड के पश्चिमी क्षेत्र में उसके पट्टे पर और उसके प्रशासनिक नियंत्रण के अधीन परिमर।
2. महा प्रबंधक (कामिक)/उप महा-प्रबंधक (कामिक), पूर्वी क्षेत्र इंडियन एयरलाइन्स लिमिटेड कलकत्ता	इंडियन एयरलाइन्स लिमिटेड के पूर्वी क्षेत्र में उसके पट्टे पर और उसके प्रशासनिक नियंत्रण के अधीन परिमर।
3. महा प्रबंधक (कामिक)/उप महा-प्रबंधक (कामिक), उत्तरी क्षेत्र इंडियन एयरलाइन्स लिमिटेड, दिल्ली।	इंडियन एयरलाइन्स लिमिटेड के उत्तरी क्षेत्र में उसके पट्टे पर और उसके प्रशासनिक नियंत्रण के अधीन परिमर।

1	2	1	2
4. महा प्रबन्धक (कार्मिक)/उप महाप्रबन्धक (कार्मिक), दक्षिणी क्षेत्र, इंडियन एयरलाइन्स लिमिटेड, मद्रास।	इंडियन एयरलाइन्स लिमिटेड के दक्षिणी क्षेत्र में उसके पट्टे पर और उसके प्रशासनिक नियंत्रण के अधीन परिसर।	6. वरिष्ठ प्रबन्धक (प्रशासन)/ प्रबन्धक (प्रशासन), इंडियन एयरलाइन्स लिमिटेड, मुख्यालय, नई दिल्ली।	इंडियन एयरलाइन्स लिमिटेड के नई दिल्ली में मुख्यालय के पट्टे पर और उसके प्रशासनिक नियंत्रण के अधीन परिसर।
5. उप महा प्रबन्धक (कार्मिक)/ वरिष्ठ प्रबन्धक (कार्मिक), दक्षिणी क्षेत्र इंडियन एयरलाइन्स लिमिटेड, हैदराबाद।	इंडियन एयरलाइन्स लिमिटेड के दक्षिणी क्षेत्र में हैदराबाद उसके पट्टे पर और उसके प्रशासनिक नियंत्रण के अधीन परिसर।		

[संख्या ए.वी.-18012/1/95-एसी.आई.ए.]

बी.जे. मेनन, व्यव. सचिव

MINISTRY OF CIVIL AVIATION & TOURISM

(Department of Civil Aviation)

New Delhi, the 26th July, 1995

S.O. 2120.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) (hereinafter referred to as the 'said Act') and in supersession of the notification of the Government of India in the Ministry of Civil Aviation, number S.O. 1378 dated the 1st May, 1991, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 18th May, 1991, the Central Government hereby appoints the officers mentioned in Column (1) of the Table below, being officers equivalent to the rank of Gazetted Officers of the Government to be Estate Officers for the purpose of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on the Estate Officers by or under the said Act with the local limits of their respective jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public and local limits of jurisdiction
(1)	(2)
1. General Manager (Personnel)/ Deputy General Manager (Personnel), Western Region, Indian Airlines Limited, Bombay.	Premises belonging to, leased out and under the administrative control of the Indian Airlines Limited, in its Western Region.
2. General Manager (Personnel)/ Deputy General Manager (Personnel), Eastern Region, Indian Airlines Limited, Calcutta.	Premises belonging to, leased out and under the administrative control of the Indian Airlines Limited, in its Eastern Region.
3. General Manager (Personnel)/ Deputy General Manager (Personnel), Northern Region, Indian Airlines Limited, Delhi.	Premises belonging to, leased out and under the administrative control of the Indian Airlines Limited, in its Northern Region.
4. General Manager (Personnel)/ Deputy General Manager (Personnel), Southern Region, Indian Airlines Limited, Madras.	Premises belonging to, leased out and under the administrative control of the Indian Airlines Limited, in its Southern Region.
5. Deputy General Manager (Personnel)/ Senior Manager (Personnel), Southern Region, Indian Airlines Limited, Hyderabad.	Premises belonging to, leased out and under the administrative control of the Indian Airlines Limited, in its Southern Region at Hyderabad.
6. Senior Manager (Administration)/ Manager (Administration), Indian Airlines Limited Headquarters, New Delhi.	Premises belonging to, leased out and under the administrative control of the Headquarters of the Indian Airlines Limited at New Delhi.

[No. AV. 18012/1/95-ACIA]

V.J. MENON, Under Secy.

हस्पात मंत्रालय

संशोधन

नई दिल्ली, 21 जुलाई, 1995

का.आ. 2121.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा-2 के खण्ड (क) के अनुसरण में, भारत सरकार के हस्पात मंत्रालय की अधिसूचना का.आ.सं.-3501 दिनांक 17 दिसम्बर, 1994 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना की अनुसूची के क्षेत्रीय अधिकारिता वाले स्तंभ में “आन्ध्र प्रदेश में विशाखापट्टणम जिले के नरसीपट्टणम और विशाखापट्टणम तालुक” प्रविष्टि के स्थान पर “आन्ध्र प्रदेश में विशाखापट्टणम जिले के नरसीपट्टणम और विशाखापट्टणम राजस्व प्रभाग” प्रविष्टि रखी जाएगी।

[सं.वी.एन.एस.-12(3)/91-आई.डी.एस]
के. किपगेन, संयुक्त सचिव

MINISTRY OF STEEL AMENDMENT

New Delhi, the 21st July, 1995

S.O. 2121.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Steel S.O. No. 3501, dated the 17th December, 1994, namely:—

In the said notification, in the Schedule, in Column 2, for the nerty “Narsipatnam and Visakhapatnam Taluk of Visakhapatnam District, Andhra Pradesh”, the entry “Narsipatnam and Visakhapatnam Revenue Divisions of Visakhapatnam District, Andhra Pradesh” shall be substituted.

[VNS-12/3/91-IDS]
K. KIPGEN, Jt. Secy.

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 28 जुलाई, 1995

का.आ. 2122.—केन्द्रीय सरकार का दिल्ली मुख्य योजना—2001 में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे जनता की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो/सुझाव देना हो तो वह अपनी आपत्ति/सुझाव लिखित रूप में इस सूचना के जारी होने के 30

दिन की अवधि के अन्दर आयुक्त एवं सचिव, दिल्ली विकास प्राधिकरण, “बी” ब्लॉक, विकास सदन, आई.एन.ए., नई दिल्ली को भेज दें। आपत्ति करने/सुझाव देने वाले व्यक्ति को अपना नाम और पता भी अवश्य देना चाहिए।

संशोधन

“भारत के राजपत्र, भाग-2 खण्ड-3 उप-खण्ड (ii) दिनांक 1-8-90 के पृष्ठ 160 पर “आवासीय समूह आवास (002)” शीर्षक के अन्तर्गत अन्य नियन्त्रणों (3) के पश्चात् निम्नलिखित को जोड़ा जाता है:—

“उपर्युक्त समूह आवास के मानदण्ड, नांगलोई के निकट रोहतक रोड पर स्थित नेशनल ब्यूरो ऑफ प्लांट जेनेटिक रिसोर्सिंग (एन.बी.पी.जी. आर.) से संबंधित 3792 वर्ग मीटर के भूखण्ड पर भी एक बार अपवाद के रूप में लागू होंगे।”

(2) प्रस्तावित संशोधन को दर्शाने वाला दिल्ली मुख्य योजना—2001 का मूल पाठ निरीक्षण के लिए उपर्युक्त अवधि के अन्दर सभी कार्य-दिवसों में संयुक्त निदेशक, मुख्य योजना अनुभाग, छठी मंजिल, विकास मीनार, आई.पी. एस्टेट, नई दिल्ली के पास उपलब्ध रहेगा।

[सं. एफ. 3(39)/91-एम.पी.]

विश्व मोहन बंसल, आयुक्त एवं सचिव

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 28th July, 1995

S.O. 2122.—The following modification, which the Central Government proposes to make in the Master Plan for Delhi-2001, is hereby published for public information. Any person having any objection/suggestion with respect to the proposed modification may send the objections/suggestions in writing to the Commissioner-cum-Secretary, Delhi Development Authority, ‘B’ Block, Vikas Sadan, INA, New Delhi within a period of 30 days from the date of issue of this notice. The person making the objections/suggestions would also give his name and address.

MODIFICATION

“At page 160, Gazette of India, Part II section-3 sub-section (ii) dated 1-8-90 under the heading ‘Residential Group Housing (002)’ the following is added after other controls (iii)

“Norms of Group Housing as above shall also apply for plot measuring 3792 sqm. belonging to National Bureau of Plant Genetic Resources (NBPGR) located on Rohtak Road near Nangaloi, as one time exception”.

2. MPD-2001 text indicating the proposed modification shall be available for inspection at office of the Joint Director, Master Plan Section, 6th floor, Vikas Minar, I.P. Estate; New Delhi on all working days within the period referred above.

[No. F. 3(39)/91-MP]

V. M. BANSAL, Commissioner-cum-Secy.

अभ्यन्तरिक

नई दिल्ली, 7 जुलाई, 1995

का.आ. 2123.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-7-95 को प्राप्त हुआ था।

[संख्या एल.-12011/45/92/-आई.आर.बी.-2]
बी. के. शर्मा, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 7th July, 1995

S.O. 2123.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 6-7-1995

[No. L-12011/45/92-IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2 BOMBAY

PRESENT :

Shri S. B. Panse,
Presiding Officer

Reference No. CGIT-2/10 of 1993

Employers in relation to the Management of
Bank of Baroda.

AND

Their Workmen

APPEARANCES :

For the employers : Shri S. K. Talsania & Shri
V. H. Kantharia, Advocates.

For the workmen : Shri M.B. Anchan, Advocate & Shri Deeparaj Damey, representative.

Bombay, dated 26th June, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-12011/45/92 dt. 16th February, 1983 had referred to following industrial dispute for adjudication.

SCHEDULE

"Whether the action of the management of Bank of Baroda in relation to its Zonal Office of Greater Bombay in non-allotment of duties as ALPM Operators to the eligible workmen on minicomputers and allotting the duties to Officers is justified ? If not, to what relief the workmen concerned in the dispute are entitled to ?"

2. The General Secretary to the Bank of Baroda Employees Union has filed a statement of claim. It is contended that as per the provisions of the settlement dt. 8-9-1983, 28-2-1985 & 5-9-1989 wherever the Bank installed computers as permitted in the settlement the same shall be exclusively operated by the workmen staff only. In violation of the said settlement the bank had installed one personal computer with five terminals at the Zonal Office and the same was operated by Officer which is against clause II of the settlement dt. 29th of March 1987 and thereby the bank deprived the workmen staff for their legitimate claim or allowance. They raised a dispute. The management did not accept their contention, then the matter went to the Labour Commissioner. He sent a negative report to the Government. Later on the reference was made as stated above.

3. The Union contended that the action of the management is illegal and it may be held that in the non-allotment of duties of ALPM operators to the eligible workmen on mini computers and allotting the duties to officers is unjustified and the relief of the payment of allowance to them may be granted.

4. The management resisted the claim by their written statement Ex. 3. They denied all the contentions raised by the union. I am not inclined to refer to the details of the written statement in view of the settlement which the management and the union had arrived at.

5. The General Manager of the Bank Panicker and General Secretary of the Union have filed purshis at Ex. '8' & '9' respectively to inform the tribunal that they are authorised to sign the consent terms reached between the union and the management.

6. The management and the union have filed the consent terms at Ex. '10'. They have duly signed it and their advocates have also signed it. I accept it. After going through the terms of settlement it appears that now there is no need to answer the reference, hence I pass the following order.

ORDER

1. The award be passed in terms of settlement at Ex. '10' paragraph '3' and '4'.

S. B. PANSE, Presiding Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

Reference CGIT-2/10 of 1993

BETWEEN :

Employer in relation to the Management of Bank of Baroda.

AND

Their workmen (represented by the Bank of Baroda Employees Union, Bombay & Thane).

Joint application by the parties for consent award
May it please your honour :—

(1) The industrial dispute raised by the Bank of Baroda Employees Union, Bombay & Thane District over the issue of non allotment of duties of ALPM operators to eligible workmen at EDP Centre of the zonal office, Greater Bombay zone is at present pending before the Tribunal for adjudication.

(2) The issues involved in the above reference were subsequently discussed in March|April|May 1995 between the parties i.e. the bank of Baroda Employees Union Bombay & Thane district and the Management of Bank of Baroda with view to find out an amicable solution to the dispute.

(3) After the prolonged discussions between the said parties it was agreed that as regards the functions of the EDP Centre of the Zonal Office, Greater Bombay Zone some of the duties performed at the Centre can be assigned to the eligible and suitable clerical staff members within the parameters of the settlement dated 31st October, 1992. Number of clerical assignment shall be determined by volume of such clerical work and as per the workload provisions of the settlement dated 31st October, 1992.

(4) As regards assignment of the duties of ALPM operators for the personal computers installed at Zonal Office, it was agreed to consider as per the provisions of clause 2.10 (c) of the settlement dated 31st October, 1992.

(5) The parties to the dispute pray that this Hon'ble Tribunal be pleased to dispose of the reference in terms of the settlement.

For Bank of Baroda

For Bank of Baroda
Employees Union

S.A/-

K.J. JOHN
Senior Manager
(Personnel)

S.A/-

Illegible
Advocate for Bank of Baroda
Filed on 26-6-95

S.A/-

Deepraj Damey
Organising Secretary
B.O.B.F.O.

S.A/-

Illegible
Advocate for the Union

नई दिल्ली, 10 जुलाई, 1995

का.आ. 2124.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत उत्तर रेलवे लखनऊ के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-95 को प्राप्त हुआ था।

[संख्या एल.—41012/100/90—आई.आर.बी.-1]
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 10th July, 1995

S.O. 2124.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North Uttar Railway, Lucknow and their workmen, which was received by the Central Government on 10-7-1995.

[No. L-41012/100/90-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM- LABOUR COURT PANDU NAGAR DEOKI PALACE
ROAD, KANPUR

Industrial Dispute No. 123 of 1991

In the matter of dispute :

BETWEEN

General Secretary,

Purvottar Railway Shramik Sangh,
C/o B. D. Tewari, 196/96 Roshan Bajaj Lane,
Ganesh Ganj Lucknow.

AND

D.M.F. (C and W)
North Central Railway,
Lucknow.

AWARD

1. Central Government Ministry of Labour vide its Notification No. L-41012/100/90-IR (D.U.) dated 10-9-91 has referred the following dispute for adjudication to this Tribunal—

Whether the Disciplinary Authority, North Eastern Railway Lucknow is justified in awarding him punishment of W.T. for five years and reversion to Fitter Gr. II to Sri Zilkad Ahmad. If not, what relief he is entitled to ?

2. The concerned workman is posted as Carriage Fitter in N.E. Railway Gonda. It is alleged that he was wrongly awarded punishment of W.L.T. for three years by the opposite party vide NIP No. YA 61/1 Loose date 10-2-88 without affording reasonable opportunity of defence. It is further alleged that the concerned workman was again awarded punishment of stoppage of increments permanently for five years vide order dated 12-1-88 by the opposite party. This punishment was also without application of mind and without according opportunity of defence. According to the concerned workman these two punishment have been awarded without observing principles of natural justice.

3. In the instant case no written statement was filed on behalf of the management/opposite party resulting that the case was ordered to proceed for ex parte final hearing on 29-1-93.

4. No evidence has been filed on behalf of the Union despite the fact that sufficient opportunity for the same was availed by it since 6-4-93. Again on 26-6-95 the case was taken when the Union moved application for adjournment which was dismissed by the Tribunal. In my opinion, the case cannot be allowed to be linger on one reason or the other as it is old one.

5. Therefore, from the above discussion it is clear that the Union/workman is not interested in prosecuting their case as such the case is decided against them for want of evidence.

6. The result is that the reference is answered in affirmative holding that the concerned workmen are entitled to no relief.

7. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 जुलाई, 1995

का.आ. 2125.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सारस्वत को-ऑपरेटिव बैंक लि., के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई सं.-2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6 जुलाई, 1995 को प्राप्त हुआ था।

[संख्या एल.-12015/1/95-आई.आर.बी. 1]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 11th July, 1995

S.O. 2125.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of Saraswat Co-operative Bank Ltd. and their workmen, which was received by the Central Government on 6-7-1995.

[No. L-12015/1/95-IR (B-1)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer,
Complaint No. CGIT-2/1 of 1995

PARTIES :

Shri Vinod Aant Samel—Complainant.

V/s.

The Saraswat Co-op. Bank Ltd.—Opposite Party.

APPEARANCES :

For the Complainant—Mr. S. S. Chaubal, Advocate.
For the Opposite Party—Mr. K. M. Naik and Mrs. Mitra Das, Advocates.

Bombay, the 13th June, 1995

AWARD

This is a complaint filed by Samel under Section 33-A of the Industrial Disputes Act, 1947. The Applicant have narrated the different instances of the Bank and submitted that the Bank has committed breach of provisions of Section 33 of the Industrial Disputes Act. It is not necessary to give any detail of these instances because to day when the matter was filed from the Saraswat Co-op. Bank the Applicant filed pursus (Ex. '7') contending that as he has been allowed to appear to the examination which was held on 14th of May, 1995. He wants to withdraw the complain. The management has no objection for the same. Under such circumstances the dispute does not exist. Hence I pass the following order.

ORDER

The complaint is disposed off.

S. B. PANSE, Presiding Officer

नई दिल्ली, 12 जुलाई, 1995

का.आ. 2126.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इण्डिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-7-95 को प्राप्त हुआ था।

[संख्या एल.-12011/28/93-आई.आर. (बी-1)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th July, 1995

S.O. 2126.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SBI and their workmen, which was received by the Central Government on 12-7-1995.

[No. L-12011/28/93-IR (B-1)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No. 103 of 1993

In the matter of dispute :

BETWEEN

President,

State Bank of India Karamchhari Sangh,
Asha Deep SBI Ratan Lal Nagar Kanpur

AND

Chief General Manager,
State Bank of India Lucknow Circle,
Hazaratganj Lucknow.

AWARD

1. Central Government Ministry of Labour vide its Notification No. L-12011/28/93-IR (B-I) dated 18-11-93 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the State Bank of India in not paying closing allowance to Award Staff attending to closing work on par with officers of the bank is justified? If not, to what relief the said workmen are entitled to?

2. In the instant case after the receipt of the reference various notices were issued to the Union for filing the statement of claim but despite all that neither any one attended the proceedings of the case on behalf of the Union nor statement of claim was filed in the case. Finally the case was taken up for hearing on 22-6-95 when once again the Union acted in the same fashion.

3. Since the case is of the year 1993, it cannot be allowed to be linger on one reason or the other without any sufficient ground. Thus from the conduct and behaviour of the Union it is proved that the Union is not interested in prosecuting its case.

4. For the reasons discussed above, I am of the view that the Union is not interested in the case. It is therefore held that the Union is not entitled to any relief. It is further held that the action of the management is legal and justified.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जुलाई, 1995

का.आ. 2127.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12 जुलाई, 1995 को प्राप्त हुआ था।

[संख्या एन.-41011/30/92-आई.आर.बी. 1]
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th July, 1995

S.O. 2127.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Uttar Railway and their workmen, which was received by the Central Government on 12-7-1995.

[No. L-41011/30/92-IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 75 of 1993

In the matter of dispute —

BETWEEN

Assistant General Secretary,
Northern Railway Karamchauri Union,
37-II-G Multistoreyed Colony,
Charbagh Lucknow.

1770 GI/95—3.

AND

Divisional Engineer,
Northern Railway,
Moradabad Division,
Muradabad.

AWARD

1. Central Government, Ministry of Labour vide its Notification No. L-41011/30/92-IR (DU) dated 20-9-93, has referred the following dispute for adjudication to this Tribunal—

Whether the action of Divisional Personnel Officer, Northern Railway, Moradabad in terminating the services of S/Sri Udai Pratap Singh, S/o Jangee Singh and Shivraj Singh S/o Navrang, Khulasies working under IOW N. Railway, Balama w.e.f. 15-11-84 and 15-6-86 respectively is legal and justified? If not, what relief the workman concerned are entitled to?

2. In the present case the Union did not appear nor it filed statement of claim inspite of the fact that it had availed of sufficient opportunities for filing the same since 28-10-1993. Finally when the case was taken up for hearing on 19-5-95, on which date again none appeared for the Union nor it filed statement of claim.

3. Thus from the conduct of the Union as well as concerned workmen, it is clear that neither the Union nor the concerned workmen is interested in prosecuting the case.

4. From the above, I am of the view, that the concerned workmen are entitled to no relief for want to claim. It is also held that the action of the management is held as justified.

5. Reference is answered accordingly.

Dated : 23-6-1995

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जुलाई, 1995

का.आ. 2128.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार युनियन बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-95 को प्राप्त हुआ था।

[संख्या एन.-12012/283/90/आई.आर.बी. 2]
बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 12th July, 1995

S.O. 2128.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to men which was received by the Central Government on 11-7-95.

[No. L-12012/283/90 IR(B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, DEOKI,
PALACE ROAD, KANPUR

Industrial Dispute No. 161 of 1990

Harmangal Prasad,
State Assistant General Secretary,
U. P. Bank Employees Union,
36/1, Kailash Mandir,
Kanpur.

AND

Chief Manager Personnel,
Union Bank of India,
Hotel Clarks,
Gandhi Marg, Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its notification no. L-12012/2/83/90-I.R. B-2 dated 25th July 1990, has referred the following dispute for adjudication to this Tribunal :

Kya Union Bank of India ke prabandhako dwara Sri D.S. Srivastava Sah Rokariya se rupya 612.50 wetan se katauti kar lane ki karyawahi kanooni avam nyav-sangat hai ? Yadi nahi to sambandhit karmkar kis anutosh ka adhikari hai ?

2. The instant case was fixed for cross-examination on 21-6-95, when the Union moved application informing that since the workman is not interested in contesting the case as such it too is not interested in the case. The Union has also prayed that the case be treated as closed.

3. In view of the above submission of the Union the present reference has become infructuous.

4. It is, therefore, held that the union/workman is not entitled to any relief.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जुलाई, 1995

का. आ. 2129.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 12/7/95 को प्राप्त हुआ था।

[संख्या एल—41012/6/91—आई आर बी आई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th July, 1995

S.O. 2129.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Uttar Rly. and their workmen, which was received by the Central Government on the 12-7-95.

[No. L-41012/6/91-I.R.B-I]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, KANPUR

Industrial Dispute No 168/1991

In the matter of dispute :

BETWEEN

Zonal Working President,
Northern Railway Karamchari Union,
96/196, Roshan Bajaj Lane Ganesh Ganj,
Lucknow.

AND

Senior D. M. E.,
Northern Railway,
Hazaratganj, Lucknow.

AWARD

1. Central Government Ministry of Labour vide its notification no. L-41012/6/91-I.R.D.U. dt. 26-9-91 has referred the following dispute for adjudication to this Tribunal.

"Whether the action of the Northern Railway, Lucknow in not treating the duty period of Sh. R. C. Saxena, Driver Gr. A Special from 18-4-88 to 1-9-88 when he was under medical observations in terms of para 525 of Indian Railway Medical Manual 1981 is justified ? If not, to what relief the concerned workman entitled ?"

2. On 15-10-92, the case was ordered to proceed for exparte final hearing thereafter neither the Union lead any evidence nor appeared for arguing the case, despite the fact that sufficient opportunities have been availed of by the Union on this score. Finally when the case was taken up for hearing on 21-6-95, again none appeared in the case from the side of the Union to press the claim.

3. Thus from the conduct of the Union it stands proved that the Union is not interested in prosecuting the case. As the case is of the year 1991, the same cannot be permitted to linger on one reason or the other.

4. Therefore, in view of the facts and circumstances stated above, it is held that the Union is entitle to no relief and the action of the management is held as justified.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जुलाई, 1995

का. आ. 2130.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पूर्वांचल रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 12-7-95 को प्राप्त हुआ था।

[संख्या एल—41012/30/91—आई आर बी आई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th July, 1995

S.O. 2130.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between

the employers in relation to the management of North Eastern Rly. and their workmen which was received by the Central Government on the 12-7-1995.

[No. 41012|30|91-IRBI]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B K SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
PANDU NAGAR KANPUR

Industrial Dispute No. 182 of 1991

In the matter of dispute between :
General Secretary

Purvottar Railway Shramik Sangh
6 Navin Market,
Kaisarbagh, Lucknow.

AND

Senior Divisional Electrical Engineer
Purvottar Railway,
Ashok Marg, Lucknow.

AWARD

1. Central Government, Ministry of Labour, vide its notification no. L 41012|30|91-I.R. (D.U) dated 31-10-91 has referred the dispute for adjudication to this Tribunal—

“Whether the Divisional Electrical Engineer N.E. Railway Lucknow is justified in terminating the services of Shri Mohd. Fahim, s/o Mohd Shamim, casual labour Khalasi? and also retaining his juniors? If not, what relief the workman is entitled to?”

2. The reference order in the present case was received on 4-11-91, but till 15-6-92, the authorised representative failed to file statement of claim. On 15-6-92, the Tribunal again passed an order directing the representative for the Union to file list of junior employees. Order sheet of the file shows that the Union failed to comply the order of the Tribunal dt. 15-6-92 and also failed to file statement of claim despite the fact that it availed sufficient opportunities for the same.

3. Ultimately, the case was taken up for hearing on 19-6-95 but none appeared from the side of the Union in the case. Since the case is of 1991 and till 19-5-95 Union failed to file its statement of claim and also to comply with the orders of the Tribunal dt. 19-6-92 I am of the view that the Union is not interested in prosecuting its claim. Moreover, the case cannot be allowed to linger in this way for one reason or the other.

4. In view of the above, it is held that the action of the management in terminating the services of the concerned workman is justified. Consequently the workman is entitled to no relief.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली 12 जुलाई, 1995

का. आ. 2131.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 12/7/95 को प्राप्त हुआ था।

[संख्या एल-41011/37/89-आई आर बी आई]
पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 12th July, 1995

S.O. 2131.—In pursuance of Section 17 of the the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly. and their workmen, which was received by the Central Government on 12-7-1995.

[No. L-41011|37|89-IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT
PANDUNAGAR, KANPUR

Industrial Dispute No. 143 of 1990

In the matter of dispute between :

Divisional Secretary
Uttar Railway Karmachari Union
39-II-J Multistory Railway Colony,
Charbagh, Lucknow.

AND

Deputy Chief Mech. Engineer
C & W Shop, Northern Rly.,
Lucknow.

AWARD

1. Central Government Ministry of Labour
vide its notification no. L-41011|37|89-D-2(B)

dated 31-9-90, has referred the following dispute for adjudication to this Tribunal —

“Whether the Dy. CME C&W Charbagh Northern Rly Lusknow was justified in not regularising S/Sri Vikram Singh, M. L. Bose, R. K. Bavivi and Ashwani Kumar against 25% quota for promotion? If not what relief the workman was entitled to?”

2. It is not necessary to give further details of case as on 27-6-95, Sri D. P. Awasthi authorised representative for the Union gave a statement that he did not press the claim.

In view of above the reference is answered in the affirmative and against the Union. It is further held that the workman/Union is not entitled for any relief.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जुलाई, 1995

का. आ. 2132.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, उत्तर रेलवे के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, कानपुर के रूचपट को प्रकाशित करती है जो केन्द्रीय सरकार ने 12/7/95 को प्राप्त हुआ था।

[संख्या एल-41012/143/89-आई. आर. की आइ]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th July, 1995

S.O. 2132.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Rly. and their workmen, which was received by the Central Government on 12-7-95.

[No. L-41012/143/89-IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 142 of 1990

In the matter of dispute between :
Dinanath Tewari

President Uttar Railway Karamchhari Union,
2, Navin Market Parade, Kanpur.

AND

Assistant Engineer,
Northern Railway,
Etawah.

AWARD

1. Central Government, Ministry of Labour, vide its notification no. L-41012/143/89 I.R.D.U. dated 29-5-90, has referred the following dispute for adjudication to this Tribunal:

“Whether the action of the management of Northern Railway, Etawah in demoting Sri Raj Kumar Yadav from the post of Keyman to the post of Gangman and also not giving him the annual increment is justified? If not what relief the concerned workman is entitled to?”

2. The concerned workman Raj Kumar Yadav was working as Gangman with the opposite party Northern Railway. On 27-5-86, he was put to a trade test for promotion to the post of Keyman which he had cleared. Hence he was promoted to the post of Keyman on 4-7-86 by means of promotion letter. He was attached with gang no. 61 at Ekdil Railway Station. Although he was working as a keyman he was not paid wages and other emoluments of keyman. As Chief P.W. 1 was ill disposed of towards him, his name was discontinued on 29-6-88 from the muster roll. This amounts to reversion from the post of keyman. As this order was passed without issuing show cause notice, the same is illegal. The concerned workman was also entitled for regular annual increments.

3. In reply Northern Railway has alleged that the concerned was promoted temporarily at the post of keyman. His work was unsatisfactory and he had also not cleared the test hence he was reverted.

4. The concerned workman has filed rejoinder in which nothing new has been said.

5. In support of their case, the opposite party have filed the seniority list of gangman of March 86 penal of Keyman on the basis of result of selection dated 27-12-86 and 2-1-87 and transfer order. There is another show cause notice dated 4-6-88 issued by the railway to the concerned workman with the accusation that on 16-5-88 on checking it was found that 60 bolts were loose and it was because of the negligence of the concerned workman. By order dt. 10-7-88, the concerned workman was issued warning in this connection. In other words for the aforesaid misconduct he was duly punished. The railways have also filed pay sheet of muster roll which shows that the concerned workman was promoted at the post of Keyman. The concerned workman has filed seniority list and order of Prescribed Authority of Payment of Wages Act which shows that he had claimed wages of Keyman against railway which was allowed. Apart from this there is affidavit of Raj Kumar Yadav which has been rebutted by P. N. Singh P.W.1.

6. I have gone through these records. It is common ground that the concerned workman was promoted to the post of Keyman by order dated 4-7-86. Indeed there is such copy of promotion order paper no. 4 of list dated 19-2-92.

7. It is also common ground that the name of the concerned workman was removed from the list of Keyman on 29-6-88.

8. Now the only question which calls for determination is whether this striking off name which amounts to reversion from the post of Keyman is justified. As said earlier railway has tried to justify on the ground that the work was unsatisfactory and that he had failed to clear the trade test. As regards the first ground, in my opinion, the railway was not justified in striking out the name of the concerned workman because of unsatisfactory work. If the work of the concerned workman was unsatisfactory he ought to have been given show cause notice. Without affording opportunity such act of reversion could not have been done.

9. As regards failure to pass the test of keyman there is affidavit of P. N. Singh P.W.1. In my opinion, this oral evidence is not enough. The railway ought to have filed material before this Tribunal to show that actually that so concerned workman had failed to pass the test. It has been seen that the concerned workman had been issued the order of promotion in writing. In this back ground it was all the more necessary that the order of reversion from the post of Keyman should have been passed in writing and that the containing reasons. To be precise a reasoned order ought

to have been passed. Thus in the absence of relevant papers showing that the concerned workman had failed to cleared the test of Keyman and in the absence of any order containing reasons for reversion. I am not inclined to accept the version of the railway instead the version of the concerned workman is more convincing. Hence, my conclusion is that the railway had discontinued the name of the concerned workman from the list of Keyman illegally. As such it is held that the action of the railway in reverting Raj Kumar Yadav from the post of Keyman to the post of Gangman was not justified and railway was also not justified in not granting annual increments at this post to the concerned workman.

10. In these circumstances, my award is that the concerned workman will be deemed to be Keyman from the date of his reversion and he will also be entitled to all attending financial benefits.

11. Workman will also get Rs. 200/- as costs of the present case.

12. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जुलाई, 1995

का. आ. 2133.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पूर्वोत्तर रेलवे के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 12/7/95 को प्राप्त हुआ था।

[संख्या एल-41012/161/92-आई आर बी आई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th July, 1995

S.O. 2133.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North Eastern Rly. and their workmen, which was received by the Central Government on the 12-7-1995.

[No. L-41012/16/92-IRBI]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESID-
ING OFFICER CENTRAL GOVERNMENT IN-
DUSTRIAL TRIBUNAL KANPUR

Industrial Dispute No. 63 of 1994

In the matter of dispute between :—

General Secretary,
N.E.R. Shramik Sangh,
6 Navin Market,
Kesarbagh Lucknow.

AND

Assistant Engineer,
Uttar Purva Rly. Mailani,
Distt. Khiri Lakhimpur.

AWARD

1. Central Government Ministry of Labour vide its notification no. L-41012/161/92-I.R. B-2 dt. 29-7-94. has referred the following dispute for adjudication to this Tribunal —

Whether the action of the Assistant Engineer N. E. Rly. Mailani, in removing Sri Nand Kishore S/o Sri Charitram, Gangman working under P.W.I. Bichiya from service w.e.f. 30-3-90 is justified? If not to what relief the workman is entitled?

2. No claim statement has been filed from the Union in the case despite availing of sufficient opportunities. Case is of the year 1994 and it cannot be allowed to be linger on one reason of the other.

3. It is established from the conduct of the Union that it is not interested in prosecuting its claim for otherwise it ought to have filed claim.

4. In the end it is held that the Union is entitled to no relief for want of pleadings and proof. It is also held that the action of the management is justified.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जुलाई, 1995

का. आ. 2134.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 12/7/95 को प्राप्त हुआ था।

[संख्या एल-41012/113/89-आर आर बी आई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th July, 1995

S.O. 2134.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the

industrial dispute between the employers in relation to the management of Northern Rly. and their workmen, which was received by the Central Government on the 12-7-95.

[No. L-41012/113/89-IR(BI)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR DEOKI PALACE ROAD KANPUR

Industrial Dispute No. 196 of 1990

In the matter of dispute between :
Zonal Working President,
Uttar Railway Karamchari Union,
96/196 Roshan Bajaj Lane,
Ganesh Ganj Lucknow.

AND

Divisional Railway Manager,
Northern Railway Hazratganj,
Lucknow.

AWARD

1. Central Government, Ministry of Labour, vide its notification no. L-41012/113/89-I.R. D.U. dated 16-9-90 has referred the following dispute for adjudication to this Tribunal :—

Whether the Divisional Railway Manager Northern Railway Lucknow was justified in reverting Sri C. B. Lal S/o. Sri Mewa Lal as cleaner w.e.f 14-2-89 under Loco Foreman Northern Railway Lucknow? If not, what relief the concerned workman is entitled to?

2. It is not necessary to give further details of case as on 27-6-95, Sri D. P. Awasthi the authorised representative for the concerned workman gave a statement that he does not press the claim.

3. In view of above the reference is answered in the affirmative and against the concerned workman. It is further held that the concerned workman is not entitled for any relief.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जलाई, 1995

का. आ. 2125.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पूर्वोक्त रेलवे के प्रबन्धन के संबंध में नियोजकों

और उनके कर्मचारों के बीच, अन्तर्गत में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-7-95 को प्राप्त हुआ था।

[संख्या एल-41012/162/92-आई आर बी आई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th July, 1995

S.O. 2135.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of North Eastern Rly. and their workmen, which was received by the Central Government on 12-7-95.

[No. L-41012/162/92-IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 66 of 1994

In the matter of dispute between :—

General Sectt.,
N.E.R. Shramik Sangh,
6 Navin Market,
Kesar Bagh Lucknow.

AND

D. S. T. Engineer (Nirman),
N.E.R. Ashok Marg Lucknow.

AWARD

1. Central Government Ministry of Labour vide its notification No. L-41012/162/92-IR DU dated 29-4-94 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of DSTE(C) North Eastern Rly. Lucknow in not promoting Sri Tribhuvan Mishra S/o. Sri Gorakh Mishra Khalasi to the sanctioned post of ESM Grade 950—1500 is legal and

justified. If not to what relief the workman is entitled to ?

2. The Union in the present case did not file its statement of claim despite the fact that the reference in the tribunal was received on 8-8-94 and various notices were sent to the Union by the Tribunal. Sri D. P. Awasthi attended the proceedings of the case on 30-3-95 but failed to file statement of claim. It therefore appears to me that the Union is not interested in prosecuting its case.

3. From the above, it is held that the Union is not entitled for any relief in respect of the concerned workman for want of pleading and proof in the case. It is further held that the action of the management is held as justified.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 जुलाई, 1995

का. आ. 2136.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैस्टर्न रेलवे, के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं.-2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-95 को प्राप्त हुआ था।

[संख्या एल-41012/21/91-आर आई वी आई]
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th July, 1995

S.O. 2136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay, No. 2 as shown in the Annexure. in the industrial dispute between the employers in relation to the management of Western Rly., Bombay and their workmen, which was received by the Central Government on the 11-7-95.

[No. L-41012/21/91-JRB]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL. NO. 2. BOMBAY

PRESENT :

Shri S. B. Panse Presiding Officer.

Reference No. CGIT-2/61 of 1993

Old Ref. CGIT-2/45 of 1991

Employers in Relation to the Management of Western Railway, Bombay

AND

Their Workmen

APPEARANCES :

For the Employer : V. Narayanan, Advocate..

For the Workmen : Shri M.B. Anchan, Advocate.

Bombay, dated 23rd of June, 1995

AWARD

The Government of India Ministry of Labour by its letter dt. 30-10-1990 had referred to the following industrial dispute to this Tribunal for adjudication.

SCHEDULE

“Whether the action of the management of Western Railway, Bombay in terminating the services of Shri Nandkumar R. Hudder, casual labour Khalasi is justified ? If not, what relief he is entitled to ?”

2. The Paschim Railway Karamchari Parishad through its Divisional Secretary filed statement of claim. It is contended that Nandkumar R. Hudder their member was appointed as a Casual Labour (Khalasi) by the Divisional Chief Mechanical Engineer Western Railway Workshop at Lower Parel on 24-7-1981. He was continuously working there upto 28-2-1985.

3. On completion of modernisation of the work of the workshop all the Casual labourers engaged for the said work were directed to the divisional railway Manager Western Railway Bombay central for regular absorption.

4. According to the Divisional Railway Manager Nandkumar being over age at the time of initial appointment he was re-directed to the workshop for further action. The chief works manager had not taken any action to relax the age limit. Therefore he could not be absorbed and his services were terminated. He was not given any notice nor payment of retrenchment compensation. Since the termination is illegal and invalid.

He requested the management to reinstate him in service but it was of no use.

5. The Union contended that the workman had put more than 240 days attendance in a year. It is aver that as per the rules of the Indian Railways Establishment a casual Labour who attained 120 days in a year is given temporary status. The workman was given temporary status a card to that effect. As he was given a temporary status for terminating his services notice is required which was not given hence he is entitled to reinstate with full backwages.

6. The Union pleaded that in view of the letter of the Railway Board dt. 16-5-1979 the railway administration has the power to relax the age limit in respect of casual labour. This power was not exercise by the management in favour of the workman without any reasons. It is aver that all other casual labourer were absorbed by the divisional railway manager. It is, therefore the action against the workman is unjust and illegal. It is, prayed that the workman may be reinstated in service with full backwages and continuity.

7. The management resisted the claim by their written statement Ex. '6': It is aver that after completion of the work where the workman was working as a casual labour he was found as a surplus. Later on for regular absorption of the workman he was screened and it was observed that at the initial appointment he was over age as his date of birth being 10-5-1953. On 11-3-1985 the workman was re-directed to SCME/PL but the workman did not report to him. It is, therefore, denied that the services of the workman were terminated without any notice and without payment of retrenchment compensation.

8. The Union submits that the workman never put required number of days of service to qualify himself for grant of temporary status. It is aver that when the labourers are working on a project they are entitled to grant of temporary status only when they work for 360 days. It is submitted that as the worker had not attended temporary status question of notice for terminating his services does not arise. It is submitted that the workman did not sent back after he was re-directed to SCME/PL. It is ascertained that section 25-F of the Industrial Disputes Act is not applicable. It is submitted that the workman has no cause of action to get relief from this Tribunal. It is submitted that the letter dt. 16-5-1979 has no application to the case of the workman. It is aver that the contention that all the casual labourers were absorbed by the divisional railway manager is without any basis. For all these reasons it is submitted that the reference may be

disposed off with no order in favour of the workman.

9. Initially on 28-2-1985 my Learned predecessor decided the matter ex-party in favour of the workman. The management thereafter filed an application for setting aside the ex-party order. On 9-7-1993 the ex-party order was set aside and the management was allowed to file written statement which I have already referred above.

10. The issues and the findings thereon are as follows :

ISSUES

FINDINGS

1. Whether the action of the management of Western Railway Bombay in terminating the services of Shri Nandkumar R. Hudder casual labour (Khalasi) is justified?

Not justified.

2. If not what relief he is entitled to ?

As per final order.

REASONS

11. Nandkumar R. Hudder (Ex. '7') affirmed that he join the services of the Western Railway administration under the Chief Works manager carriage workshop at Lower Parel on 24-7-1981 as a Khalasi. He was in service till 28-2-1985. According to him after the modernisation of the carriage workshop Lower Parel-1 alongwith other casual labourers. He was directed to the divisional railway manager Western Railway Bombay Central for absorption in Bombay division. He further affirmed that accepting other casual labourers were absorbed in that division.

12. Nandkumar affirmed that the divisional railway manager informed Parel workshop that as he was over age at the time of initial employment he was sent back to SCME Parel again that Office send him back to the divisional manager. He affirmed that the General Manager has power to relax the age limit in view of the letter dt. 7-6-1979. So far as this letter is concerned the management had not disputed the same. After perusal of this letter it reveals that while absorption the date of first appointment should have to be taken into consideration who were within the age limitation that date and the relaxation is automatic and in that no special sanction is needed. It is further observed therein as regard the old cases whether the age limit was not observed. The cases are required to be considered separately within CPO's power or granting relaxation. It is mentioned therein while recommending the case the necessary information which is mentioned in the

letter should be given. It is further observed that the casual labourers should have been engaged only upto the age of 28 years as far as possible. Herein this case the date of birth of the labourer is 10-5-1953. From his own version he joined the services on 24-7-81. It is, therefore, clear that when he joined the service he was 28 years 2 months and 14 days. It is tried to argue by Mr. Anchan that when initially the worker was appointed he gave his date of birth and knowing fully well he is above the age of 28 years when he was appointed. Therefore they have to relax the age criteria while absorption. So far as this aspect of the matter is concerned the management had nothing to say, no evidence is adduced on behalf of the management. Why the request which appears to be oral request made by the labourer was rejected to condone the age criteria. Looking to the wordings of the letter dt. 7-6-1979 issued by the Railway Board it appears that they had an intention to absorb the labourers who work for them unless there are vital reasons to reject it. So far as this worker is concerned there is no evidence adduced on behalf of the management to show that in the period which he served he was not obedient or that he had done any acts prejudicial to the interest of the management.

13. The written statement of the management in this matter appears to be quite inconsistent from the stand they had taken before the Conciliation Officer. Alongwith the written argument, the xerox copy of the conciliation proceeding is put before the tribunal. It appears that there the management agree that the temporary status was granted to the workman but in the written statement the contention is taken that he was not given the temporary status. P.A. Jackup (Ex. '11') in his cross examination affirmed that in 1981 the worker worked for 144 days, in 1982 he worked for 289 days, in 1983 he worked for 293 days, in 1984 he worked for 144 days and 1985 he worked for 58 days. He affirmed that when a casual labour works on a project a temporary status is given only after completion of 360 days in terms of the circular dt. 19-9-1986. So far as this position is concerned there is no cross-examination. It can be seen that so far the Nandkumar is concerned he has also affirmed that after completing 120 days continuously in view of the provisions of the India Establishment Manual, he is entitled to a temporary status. It appears that both these witnesses deals with two different matters. Mr. Anchan advocate for the worker brought to my notice page 769 of the Railways Establishment Manual by Behari Brothers, 1985 edition wherein it is stated that casual labour who have worked for a continuous period of 120 days will be granted temporary status. Such status will also be granted to casual labour working on projects on completion of 180 days of continuous service. From the testimony of Jackup it has to be said that the worker had worked more than 180 days atleast in 1982, 1983 by which he acquires the temporary status.

1770 GI/95-4.

14. It is not in dispute that he was not given a 14 days notice before his services were terminated. It is tried to argued that the worker himself did not attained the duty which I am not inclined to accept. The worker had affirmed that he was shunted from one place to other and was not given job that appears to be correct. He had produced a service card at Ext. '7/1' which shows that period of employment that is 24-7-1988 to 28-2-1985: Nandkumar had affirmed that he was continuously in service for this period. But as stated above Jackup had given the date of his employment. He was asked to show the record of his working days but it appears that on the record the record showing the working days of the workman is not produced. After perusal of the record of service as casual labour Ex. '7/1'. I have to accept what is stated by Nandkumar to be correct as there is no documentary evidence against it. As this is so the termination of the worker falls under illegal retrenchment. Mr. Anchan the learned Advocate for the worker argued that if he termination held to be illegal the workman is entitled to the reinstatement of service with full backwages and continuity. I find substance in it. For all these reasons I record my findings on the point accordingly and pass the following order.

ORDER

1. The action of the management of Western Railway Bombay in terminating the services of Shri Nandkumar R. Hudder Casual Labour (Khalasi) is not justified.
2. The management is directed to reinstate the worker Nandkumar as a Casual labour. The management is directed to pay him full backwages from the date of his removal within one month from today. His services is to be treated as continuous.
3. The management is also directed to pay Rs. 300/- as the cost of this reference to the worker.

S. B. PANSE, Presiding Officer

नई दिल्ली, 13 जुलाई, 1995

का. आ. 2137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीफोन कानपुर के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-95 को प्राप्त हुआ था।

[संख्या एल-40012/190/92-आई आर (डी यू)]

के. बी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 13th July, 1995

नई दिल्ली, 13 जुलाई, 1995

S.O. 2137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telephones and their workmen, which was received by the Central Government on 11-7-95.

[No. L-40012/190/92-IR(DU)]
K. V. B. UNNY, Desk Officer
ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT IN-
DUSTRIAL TRIBUNAL-CUM-LABOUR
COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 117 of 1993

BETWEEN :

Prakash Mani
C/o S. N. Tewari
Authorised Rep.
119/74-157 Nasimabad,
Kanpur.

AND

Assistant General Manager
Kanpur Telephone
Department of Telecommunication
Tax Building
Mall Road Kanpur.

AWARD

1. The Central Government, Ministry of Labour, vide its notification no. L-40012/190/92 I.R.D.U. dated 20-12-93, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Asstt. General Manager, Kanpur Telephones, Kanpur in terminating the services of Sri Prakash Mani w.e.f. 26-5-92 is justified? If not, what relief the workman concerned is entitled to?

2. In the instant case the workman did not file statement of claim despite availing of sufficient opportunity. The case is old being of the year 1993, and the same cannot be allowed to linger on one reason or the other.

3. Thus from the conduct of the workman it is clear that the concerned workman is not interested in contesting his case.

4. In view of the above, it is held that the workman is entitled to no relief and also that the action of the management is justified.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

का. आ. 2138.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्डियन इन्स्टिट्यूट आफ शुगरकेन रिसर्च के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपत्र को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-7-95 को प्राप्त हुआ था।

[संख्या एल-42011/45/92-आईआर (डी यू.)]
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 13th July, 1995

S.O. 2138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Indian Institute of Sugarcane Research and their workman, which was received by the Central Government on 11-1-95.

[No. L-42011/45/92-IR(DU)]

K. V. B. UNNY, Desk Officer
ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT IN-
DUSTRIAL TRIBUNAL, KANPUR

Industrial Dispute No. 106 of 1993

In the matter of dispute between:

The Joint Secretary
Krishi Karamchari Sabha
1 Abdul Aziz Road
Lucknow

AND

The Senior Administrative Officer
Indian Institute of Sugarcane Research
Lucknow.

AWARD

1. Central Government Ministry of Labour vide its notification no. L-42011/45/92-IR(DU) dated 13-12-93 has referred the following dispute for adjudication to this Tribunal :—

Whether the demand of Krishi Karamchari Sabha 1 Abdul Aziz Road Lucknow for reinstatement of Sri Tej Bahadur Singh, son of Sri Sambhu Singh and ten others as per annexure A is justified with full back wages. If not what relief the workmen are entitled to?

In the present case the Union did not file its statement of claim in support of the reference. From the order sheet of the record it appears that

the Union availed of sufficient opportunities in this regard. Finally when the case was taken up on 20-6-95, again Union failed to turn up nor it filed statement of claim. Since the case is of the year 1993, it cannot be allowed to be linger on on one pretext or the other.

3. Thus from the conduct of the Union it stands established that neither the Union nor the workmen are interested in prosecuting the case.

4. In the end it is held that the Union is entitled to no relief for want of statement of claim and proof. It is further held that the action of the management is justified.

5. Reference is answered accordingly.

Date : 23-6-95

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 जुलाई, 1995

का. आ. 2139.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस्. डी. ओ. (टेलीकाम) के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/7/95 को प्राप्त हुआ था।

[संख्या एल-40012/147/91-आई आर (डी यू)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 13th July, 1995

S.O. 2139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of SDO (Telecom) and their workmen, which was received by the Central Government on 13-7-1995.

[No. L-40012/147/91-IR(DU)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, DEOKI PLACE ROAD, KANPUR

Industrial Dispute No. 52 of 92

In the matter of dispute between :

Gomti Prasad,

S/o Vijay Bahadur

C/o S. D. Srivastava

16 M G Marg Allahabad.

AND

Divisional Engineer,

Telecom Sultanpur.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-40012/147/91-D-2(B) dated 6-3-92 has referred the following dispute for adjudication to this Tribunal:—

Kya SDO (Telecom) Sultanpur dwara Gomti Prasad Putra Sri Vijai Bahadur ki dinank 1-4-89 se naukari se alag karna Uchit avam Vaidya Hai Yadi nahi to karmchhari kis rahat ko pane ka haqdar hai?

2. In this after the receipt of the reference from the Ministry of Labour on 16-3-92 no statement of claim filed either by the concerned workman or his representative despite the fact that various opportunities in this regard were availed of by them. Since the case is very old one the same cannot be allowed to linger on in this way. Moreover, it appears that neither the concerned workman nor the authorised representative is interested in the case.

3. Thus from the above, it is held that the concerned workman is entitled to no relief for want of pleadings. It is further held that the action of the management is justified and legal.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 जुलाई, 1995

का. आ. 2140.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल शुगर इन्स्टीट्यूट के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/7/95 को प्राप्त हुआ था।

[संख्या एल-42011/3/92-आई आर (डी यू)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 13th July, 1995

S.O. 2140.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of National Sugar Institute and their workmen, which was received by the Central Government on 13-7-1995.

[No. L-42011/3/92-IR(DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, PANDU NAGAR, DEOKI
PALACE ROAD, KANPUR

Industrial Dispute No. 1 of 1994

In the matter of dispute between :

Ashok Kumar Khanna
Vice President
Instrumental Sugar Factory Union
182/3 Shastri Nagar Kanpur.

AND

Director
National Sugar Institute Kalyanpur
Kanpur.

AWARD

1. Central Government Ministry of Labour vide its notification No. L-42011/3/92-I.R. (D.U.) dated 21-12-93 has referred the following dispute for adjudication to this Tribunal:—

Kya Rashtriya Sharkara Sansthan Kanpur ke Prabandtantra ki Karyawahi 155 Mausmi Mazdooro ko Mausam 1991 me 3 mah ke watan wa nishchit dar par bait-haki bhatta dene se vanchit rakhna nyayochit hai? Yedi nahi to sambandhit Karmkar kis anuthosh ke haqdar hai?

2. In the instant case reference was received from the Ministry of Labour, on 3-1-94 in this Tribunal whereupon notices were issued to the parties for filing of statement of claim. The Union despite availing sufficient opportunity failed to file statement in the case. I may make it clear that none turned up in the case on the dates fixed in the case.

3. Therefore, from the conduct of the Union it is clear that the Union is not interested in prosecuting the case. As such union is not entitled to any relief for want of pleadings.

4. Held that the action of the management is justified and the Union is not entitle to any relief.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 जुलाई, 1995

का.आ. 2141—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीफोन, कानपुर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-95 को प्राप्त हुआ था।

[संख्या एल-40012/189/94-आईआर (डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 13th July, 1995

S.O. 2141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telephone, Kanpur and their workmen, which was received by the Central Government on 13-7-1995.

[No. L-40012/189/94-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B.K. SRIVASTAVA, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 115 of 1993

In the matter of dispute between :

Smt. Poonam Mishra C/o D. D. Mehta,
39/13 Ram Gola Meston Road,
Kanpur.

AND

Assistant General Manager,
Kanpur Telecom Department
Deptt. of Telecommunication
Tax Building Mall Road,
Kanpur.

AWARD

1. Central Government Ministry of Labour vide its notification No. L-40012/189/94-I.R.(DU) dated 16-12-93, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of Asstt. General Manager, Kanpur Telephones Kanpur in terminating the services of Smt. Poonam Mishra w.e.f. 11-4-89 is justified. If not, what relief the concerned workman is entitled to ?

2. In the instant case none appeared from the side of the concerned workman after the receipt of the present reference on 20-12-93 nor any statement of claim was filed.

3. It therefore appears from the conduct of the concerned workman that she is least interested in prosecuting the present case.

4. Thus it is held that the concerned workman is entitled to no relief for want of pleadings. It is also held that the action of the management is justified.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 13 जुलाई, 1995

का.आ. 2142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल बैंक आफ एग्रिकल्चर के प्रबन्धतंत्र के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-95 को प्राप्त हुआ था।

[संख्या एन-12011/36/88-आईआरबीआई]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 13th July, 1995

S.O. 2142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Bank of Agriculture and their workmen, which was received by the Central Government on 13-7-95.

[No. L-12011/35/88-IRBI]

P. J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE SRI B.K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR-COURT PANDU NAGAR DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 159 of 1989

In the matter of dispute between :

Sri Sant Ram
C/o Sri M. Shakeel
1, Adbul Aziz Road
Lucknow.

AND

The General Manager

National Bank for Agriculture and Rural Development, 11 M.G. Marg, Lucknow.

WARD

1. Central Government Ministry of Labour vide its Notification No. L-12011/36/88 I.R. Bank ID. I.B. dated 17-7-89, has referred the following dispute for adjudication to this Tribunal —

“Whether the General Manager, National Bank for Agriculture and Rural Development Lucknow was justified in terminating the services of Sri Sant Ram w.e.f. 1-9-85 in violation of Section 25F, G&H of I. D. Act, 1947. If not to what relief the concerned workman was entitled ?

2. The case of the concerned workman Sant Ram is that his name was sponsored by Employment Exchange Lucknow for selection as unskilled workman of class IV Category in National Bank for Agriculture and Rural Development (in short NABARD). A Selection Committee of the opposite party bank selected him and posted him as maintenance staff on 17-11-84. Although he was doing the work of regular and permanent nature he was paid wages on daily basis which was an act of unfair labour practice. When he made persistent demand for regular pay and regularisation his services were dispensed with w.e.f. 1-9-85. As the concerned workman had completed 240 days in a calander year by rendering continuous service he was entitled for notice pay and retrenchment compensation as envisaged by section 25F of I.D. Act. As the same was not paid, the termination order is bad in law. It has also been alleged by retaining junior persons to the concerned workman, the opposite party bank had also violated the provisions of sec. 25G of the Act. It was also alleged that some new hands were appointed after the termination of the services of the concerned workman but no opportunity was given to the concerned work-

man, hence section 25H I.D. Act has also been breached.

3. The employer bank has filed written statement in which they have traisted the origin of their bank. On facts it was admitted that the concerned workman was appointed in class IV category but he did not work continuously. Instead he worked from 7-11-84 to 31-8-85 intermittently on daily basis. A chance was given to him by the Selection Committee for regular recruitment but he failed. The concerned workman in all has worked as under :—

Month	Number of days worked
November 1984	11
December 1984	18
January 1985	26 plus (1 Public Holiday)
February 1985	24
March 1985	21
April 1985	22
May 1985	20
June 1985	24
July 1985	26
August 1985	25 plus (1 Public Holiday)
<hr/> Total 218 <hr/>	

It shows that he had not worked for 240 days as such there is no question of breach of section 25F I.D. Act. It was also alleged that as the concerned workman was not found fit or selection in regular recruitment, provisions of Sec. 25F G & H of I.D. Act are not attracted.

4. The concerned workman filed rejoinder in which nothing fresh has been said.

5. In support of his case concerned workman has filed his affidavit on 15-3-90. The management bank had filed 1 merit list of class IV employees which was prepared on the basis of interview test held on 21-9-84, in which the name of the concerned workman figures at serial No. 6. Paper No. 2 is details of the number of days of the concerned workman which comes to 219 days. On the other hand the concerned workman had filed interview letter certificate dated 16-10-85 showing that the concerned workman had worked during the period from 17-11-84 to 31-8-85. The third paper is the selection list of candidates which was prepared after holding interview on 22 and 23 September in which the name of concerned workman figures at serial No. 8.

6. On behalf of the management affidavit of Sushant Kumar Banerjee has also been filed

7. The first point which needs consideration is whether the concerned workman was appointed

as a casual worker in stop gap arrangement. The concerned workman in his cross examination has specifically stated that he was appointed in the maintenance department. The concerned workman denied the suggestion of the management that he did not work continuously. He has admitted the fact that he was a daily wage earner.

8. Sushant Kumar Banerjee in his affidavit has sworn that the concerned workman was appointed as daily wage earner in stop gap arrangement.

9. Now some thing may be said about the documents filed by the workman. First of all the concerned workman has relied upon certificate. In my opinion, it does not help the concerned workman. It simply shows that the concerned workman had worked during the period 17-11-84 to 31-8-85. It no where says that the concerned workman had worked continuously. Hence this paper is of no help. The second relevant paper is the list showing the particulars of the candidates in order of merit selected for the post of messenger on the basis of interview held on 22nd & 23rd September 1984. In my opinion this select list falsifies the case of management. It no where says that this list has been prepared for being posted as messenger staff in the stop gap arrangement. Instead it goes to reveal that regular selection has been held in which marks were also awarded to the candidates and the name of the concerned workman figures at serial no. 8. Similarly interview letter dated 11-9-84 lend support the concerned workman. It does not show that the concerned workman was called for to fulfill stop gap arrangement.

10. Thus from the above, it is fully established that the concerned workman was appointed on regular basis, albiet, on daily wages and not as a measure of stop gap arrangement. Hence this question is answered in favour of the concerned workman and against the workman.

11. The second point which needs consideration is as to whether the concerned workman was again tested and was not found suitable. In this regard it will there is only affidavit of Sushant Kumar Banerjee. In my opinion, this affidavit is not sufficient specially when it was specifically denied by the concerned workman. In my opinion, the management ought to have filed those papers containing remarks of the selection committee and the number awarded to the concerned workman. The date on which such test is said to have been taken has not been given. In the absence of all these papers I do not find the evidence of Banerjee as sufficient to prove this fact. Hence because of paucity of evidence, I decide this question against the management.

12. Now the third question is as to whether the concerned workman had worked continuously w.e.f. 17-11-84 to 31-8-85. The concerned workman in his affidavit has specifically said that he had worked continuously till his name was discontinued. In his cross examination he has denied that he had worked only for 219 days. He has also stated that for sundays and holidays he has not been paid wages. On the other hand the management witness has stated that the concerned workman had worked for 219 days. From the un rebutted evidence of the concerned workman it has also been established that the job which he was performing was of permanent nature. Hence a person was necessarily required to perform this work. If the management failed to take from him, the concerned workman was not to be blamed. Apart from this the holidays and sundays have not been counted. The question is whether these breaks should be ignored for determining as to whether the concerned had worked continuously. In this regard reference may be made to the case of Virendra Bahadur Singh Versus Presiding Officer, Lucknow, 1994 Lab I. C. NOC(All). In this authority the above mentioned question have been answered in favour of the workman and it has been held that these breaks would not come in the way in treating the concerned workman in continuous service. Hence I accept the case of concerned workman and after treating the absence of the concerned workman on sundays and holidays and absence of duty not because of fault of the concerned workman, it is held that the concerned workman had completed 240 days in a calendar year preceeding the date of his termination. Admittedly he has been apid one months notice pay and retrenchment compensation, hence there has been breach of section 25F I.D. Act and on this score alone the termination of services of the concerned workman is bad in law.

13. There is no cogent evidence to show that the provisions of sec. 25G and H have been breached.

14. Now the question is as to what relief the concerned workman should be granted. There is no denying the fact the concerned workman was terminated from his service on 31-8-85 whereas this reference was made in 1989. There is delay in making reference for which there is no explanation. Hence the concerned workman will not be entitled for back wages atleast upto the date of reference. He will be entitled for back wages from the date of reference upto date of the reinstatement. He will further be entitled for reinstatement.

15. Managment shall pay Rs. 200/- as costs of the case to the concerned workman.

16. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 13 जुलाई, 1995

का.आ. 2143.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल बैंक आफ अग्रिकल्चर के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-95 को प्राप्त हुआ था।

[संख्या एल-12011/52/88-आईआरबी-I]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 13th July, 1995

S.O. 2143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Bank of Agriculture and their workmen, which was received by the Central Government on the 13-7-95.

[No. L-12011/52/88-IRB]

P. J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE SRI B.K. SRIVASTAVA, PRESIDING
OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM- LABOUR
COURT, PANDU NAGAR, DEOKI
PALACE ROAD, KANPUR

Industrial Dispute No. 161 of 1989
In the matter of dispute between :
Sri Ram Chander C/o M. Shakeel
1 Abdul Aziz Lane
Lucknow.

AND

The General Manager,
National Bank for Agriculture and Rural
Development
11 M.G. Marg, Lucknow.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-12011/52/88-IR Bank I dated 18-7-89, has referred the following dispute for adjudication to this Tribunal—

Whether the General Manager National Bank of Agriculture and Rural Development Lucknow was justified in terminating the services of Sri Ram Chander w.e.f. 1-5-85 in violation of section 25 FG&H of I.D. Act 1947 ? If not to what relief the workman was entitled to ?

2. The case of the concerned workman Ram Chander is that his name was sponsored by the Employment Exchange for appointment as unskilled labour in class IV of the opposite party National Bank of Agriculture & Rural Development (in short NABARD). A selection committee was constituted by the opposite party for appointment of the concerned workman and other persons. Later on Selection Committee selected the concerned workman for the post for which he was interviewed and was appointed on 7-6-84 as a class IV employee. Since the date of appointment he has been doing the work of permanent nature in the office and yet by adopting unfair labour practice he was paid wages on daily basis. In fact he was entitled for regular pay. When he made a demand for the same and also for regularisation his services were terminated w.e.f. 1-5-85. As during this period the concerned workman had completed more than 240 days, his services could not be terminated without complying with provisions of section 25F I.D. Act. Further the class IV employees junior to the concerned workman were retained in service. Hence, there has been of breach of section 25G I.D. Act. The management later on appointed fresh hands without giving opportunity to the concerned workman which is in gross violation of section 25H I.D. Act.

3. The management bank has filed written statement. In the first part of this written statement the genesis of the bank has been traced out. It was admitted that the concerned workman was engaged from 7-6-84 upto 30th April, 1985. He had worked intermittantly as a casual labour. His appointment was in stop gap arrangement. Later on a selection committee was consulted for selection of regular candidates, the concerned workman was given opportunity but he failed to clear the test. Hence his name was discontinued after 30-4-1985. The concerned workman has not completed 240 days in a calendar year. As he has worked for the following number of days—

Months	No. of days worked
June 1984	21
July 1984	25
Rug. 1984	23 + (1 Public Holiday)
Sept 1984	23
Oct 1984	19
Nov 1984	22
Dec 1984	21
Jan 1985	25 + (1 Public Holiday)
Feb 1985	23
Mar 1985	09
Apr 1985	17

Total 243

As the concerned workman was not found fit question of breach of section 25G & H does not arise.

3. The concerned workman has filed rejoinder in which nothing new has been.

4. In support of his case the concerned workman has filed his affidavit on 9-3-90. Apart from this concerned workman filed 5 papers. Paper No. 1 is Interview Letter dt. 18-10-84, paper no. 2 is the certificate dated 22-1-86 in which it has been certified that the concerned workman has worked as daily wage messenger during the period 7-6-84 to 30-4-85, paper no. 3 is interview call letter, paper no. 4 is list of selected candidates, the other paper relates to proceedings of Hon'ble High Court.

5. In rebuttal the management has filed the affidavit of Sushant Kant Banerjee who was Development Officer at the material time.

6. The first point which needs consideration is whether the concerned workman was appointed as a casual worker in stop gap arrangement. The concerned workman Ram Chander has specifically stated that he was appointed to do regular job. He was not appointed in stop gap arrangement. He was doing job of permanent nature since the date of his appointment. In his cross examination he has admitted, that he was daily wages earner. He has denied that he had not worked continuously.

7. Sushant Kumar Banerjee in his affidavit has sworn that the concerned workman was appointed as daily wage earner in stop gap arrangement. Now something may be said about the documents filed by the workman. First of all the concerned workman has relied upon certificate. In my opinion, it does not help the concerned workman. It certifies that the concerned workman had worked during the period from 7-6-84 to 30-4-85. It nowhere says that the concerned workman had worked continuously. Hence this paper is of no help. The second relevant paper is the list showing particulars of candidates in order of merit selected for the post of messenger on the basis of interview held on 22nd and 23rd September 1984. In my opinion, this select list falsifies the case of the management. It nowhere says that this list has been prepared for being posted as messenger staff in the stop gap arrangement. Instead it goes to reveal that regular selection has been held in which marks were also awarded to the candidates. Similarly the interview letter dated 11-9-84 lend support the concerned workman. It does not show that the concerned workman was called for interview to fulfill stop gap arrangement. Thus from the above it is fully established that the concerned workman was appointed on regular, albiet, on dailiy

wages and not as a measure of stop gap arrangement. Hence this question is answered in favour of the concerned workman and against the workman.

8. The second point which needs consideration is as to whether the concerned workman was again tested and was not found suitable. In this regard there is only affidavit of Sushant Kumar Banerjee. In my opinion, this affidavit is not sufficient specially when it was vehemently denied by the concerned workman. In my opinion, the management ought to have filed those papers containing remarks of the selection committee and the number awarded to the concerned workman, the date on which such test is said to have been taken has not been given. In the absence of all these papers I do not find the evidence of Banerjee to prove this fact. Hence because of paucity of evidence I decide this question against the management.

9. Now the third question is as to whether the concerned workman had worked continuously w.e.f. 7-6-84 to 30-4-85. The concerned workman Ram Chander in his affidavit has specially said that he had worked continuously till his name was discontinued. In his cross examination he has denied that he had worked only for 228 days. He has also stated that sometime he had to work on Sundays and Holidays. On the other hand the management witness has stated that the concerned workman had worked for 228 days only. From the un rebutted evidence of concerned workman Ram Chander it has also been established that the job which he was performing was of permanent nature. Hence, a person was necessarily required to perform this work. If the management failed to take work from him, the concerned workman was not to be blamed. Apart from this the holidays and Sundays have not been counted. The question is whether these breaks should be ignored for determining as to whether the concerned workman had worked continuously. In this regard reference may be made to the case of Virendera Bahadur Singh Versus Presiding Officer, Lucknow, 1994 ab I.C. NOC (All). In this authority the above mentioned question have been answered in favour of the workman and it has been held that these breaks would not come in the way in treating the concerned workman in continuous service. In any case from the own showing of the management regarding the number of working days of the concerned workman it becomes clear that he had worked for 243 days. Hence I accept the case of concerned workman and after treating the absence of the concerned workman on Sundays and other holidays and absence of duty not because of fault of the concerned workman, it is held that the concerned workman has completed 240 days in a calendar year which his name was struck off. Admittedly he has not been paid one months notice pay and retrenchment compensation, hence there has been breach of section 25F

1770 G/95—5.

I.D. Act and on this score alone the termination of services of the concerned workman is bad in law.

10. There is no cogent evidence to show that provisions of section 25G and H have been breached.

11. Now the question is to what relief the concerned workman should be granted. There is no denying the fact that the concerned workman was terminated from service on 30-4-85 whereas this reference was made in 1989. There is delay in making reference for which there is no explanation. Hence the concerned workman will not be entitled for back wages atleast upto the date of reference. He will be entitled for back wages from the date of reference upto date of his reinstatement. He will further be entitled for reinstatement.

12. Management shall pay Rs. 200 as costs of the case to the concerned workman.

13. Reference is answered accordingly.

Sd]-

B. K. SRIVASTAVA, Presiding Officer
5-7-1995

नई दिल्ली, 13 जुलाई, 1995

का.आ. 2144.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलों के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-95 को प्राप्त हुआ था।

[संख्या एल-41012/84/92-आईआरबी-I]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 13th July, 1995

S.O. 2144.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway and their workmen, which was received by the Central Government on the 13-7-1995.

[No. L-41012/84/92-IRBI]

P.J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESID-
ING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, PANDU NAGAR, DEOKI PALACE
ROAD, KANPUR

Industrial Dispute No. 76 of 1993

In the matter of dispute between :

Sri K. N. Soni President Railway Parcel Porters
Association 118/78, Kaushal Puri, Kanpur.

AND

Divisional Railway Manager,
Northern Railway,
Allahabad Division,
Allahabad.

AWARD

1. Central Government Ministry of Labour vide its notification No. L-41012/84/92I.R. (D.U.) dated 24-9-93 has referred the following dispute for adjudication to this Tribunal.

Whether the action of the management of Northern Railway, Allahabad in terminating the services of Sri Chhutan S/o Late Bhagwan Din w.e.f. 8-9-91 is justified? If not, what relief he is entitled to?

2. The Union in the instant has not filed its statement of claim despite the fact that sufficient opportunity in this regard has been availed by it. When on 4-7-95 the case was taken up for hearing it transpired that none turned up in the case nor claim filed by the Union. Since the case is of 1993 and the same cannot be allowed to linger on in the manner stated above. It therefore appears that the union is not interested in prosecuting its case.

3. Held that the action of the management of Divisional Railway Manager, Northern Railway Allahabad in terminating the services of Chhutan w.e.f. 8-9-91 is justified and the concerned workman is entitled to on relief.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 21 जुलाई, 1995

का.आ. 2145—केन्द्रीय सरकार इससे संतुष्ट है कि लोकहित में यह अर्थोक्षेप है कि उद्योग, भारत सरकार टकसाव, कलकत्ता जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को प्रथम अनुसूची में प्रविष्टि 11 द्वारा शामिल है को उक्त अधिनियम के प्रयोजन के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/6/85 डी-1(ए)]

एस. वेणुगोपालन, अव्वर सचिव

New Delhi, the 21st July, 1995

S.O. 2145.—Whereas the Central Government is satisfied that the public interest requires that the industry, India Government Mint, Calcutta, which is covered by entry 11 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/6/85-D. I(A)]

S. VENUGOPALAN, Under Secy.

नई दिल्ली, 25 जुलाई, 1995

का.आ. 2146—कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 2 के खंड (के.बी.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार अनुसूची के कालम (2) में उल्लिखित अधिकारियों को संबंधित क्षेत्रों में उक्त अधिनियम के उपबन्धों के अन्तर्गत कवर्ड सभी स्थापनाओं के संबंध में उक्त अनुसूची के कालम 3 में वर्णित क्षेत्रों के लिये तुरन्त प्रभावी रूप से उक्त अधिनियम के अन्तर्गत पसूली अधिकारी की शक्तियां एतद्वारा प्रदान करने के लिये प्राधिकृत करती है :—

क्र.सं.	नाम एवं अधिकारी का पदनाम	क्षेत्र जिसके लिए शक्तियों का प्रयोग किया जाना है
(1)	(2)	(3)
1.	श्री सरवेश्वरन, सहायक भ.नि. आयुक्त, उपक्षेत्रीय कार्यालय, कांयम्बटूर	तमिलनाडु राज्य में कांयम्बटूर एवं सालेम क्षेत्र
2.	श्री साठीसन, सहायक भ.नि. आयुक्त, उपक्षेत्रीय कार्यालय, तिरुनेलवेली	तमिलनाडु राज्य में तिरुनेलवेली एवं मदुरै क्षेत्र

(1)	(2)	(3)	(1)	(2)	(3)
3. श्री ए. के. लाल,	राजस्थान राज्य		6. श्री डी. पापचन,	केरल राज्य एवं केन्द्र	
क्षेत्रीय भ. नि. आयुक्त (II)			क्षेत्रीय भविष्य निधि आयुक्त (II)	शासित क्षेत्र लक्षद्वीप	
जयपुर।			केरल।		
4. श्री आर. के. गोविन्दा राजूलू,	आंध्र प्रदेश राज्य एवं		7. श्री एम. एस. रघुवेन्द्र,	कर्नाटक राज्य	
क्षेत्रीय भविष्य निधि आयुक्त (II)	केन्द्र शासित राज्य यमन		क्षेत्रीय भविष्य निधि आयुक्त,		
हैदराबाद।			बंगलूर।		
5. श्री सी. भास्करन,	आंध्र प्रदेश राज्य एवं				
सहायक भ. नि. आयुक्त,	केन्द्र शासित राज्य यमन				
हैदराबाद।					

[आर-11013/2/90/एसएस-(II)]
जे. पी. शुक्ला, अवर सचिव

New Delh , the 25th July, 1995

S.O. 2146.—In exercise of the powers conferred by clause (kb) of Section 2 of the Employees' Provident Fund & Misc. Provisions Act, 1952 (19 of 1952) the Central Government hereby authorises the officers mentioned in Column (2) of the Schedule to exercise the powers of Recovery Officer under the said Act with immediate effect for the areas mentioned in column (3) of the said schedule in relation to all the establishments covered under the provisions of the said Act in the respective areas :—

S. Name and designation of the officer No.	Area in relation to which jurisdiction to be exercised
1. Shri Sarveshwaran, Assistant Provident Fund Commissioner, Sub-Regional Office, Coimbatore.	The area of Coimbatore and Salem in Tamil Nadu State.
2. Shri Sathcesan, Assistant Provident Fund Commissioner, Sub-Regional Office, Tirunelveli.	The area of Tirunelveli and Madurai in Tamil Nadu.
3. Shri A.K. Lal, Regional Provident Fund Commissioner (II), Jaipur.	The State of Rajasthan.
4. Shri R.K. Govinda Rajulu, Regional Provident Fund Commissioner (II), Hyderabad.	The State of Andhra Pradesh and Yaman in Union Territory.
5. Shri C. Baskaran, Assistant Provident Fund Commissioner, Hyderabad.	The State of Andhra Pradesh and Yaman in Union Territory.
6. Shri D. Pappachan, Regional Provident Fund Commissioner, Kerala.	The State of Kerala and Union Territory of Lakshadweep.
7. Shri M.S. Raghvendra, Regional Provident Fund Commissioner, Bangalore.	State of Karnataka

[No. R-11013/2/90-SS. (II)]
J.P. SHUKLA, Under Secy.

नई दिल्ली, 25 जुलाई, 1995

का. प्रा. 2147—कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 2 के खंड (केबी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, श्रम मंत्रालय, भारत सरकार की अधिसूचना संख्या. 533 (ई) दिनांक 29 जून, 1990 जो कि भारत के असाधारण राजपत्र के भाग-II, खंड 3 उपखंड (ii) में दिनांक 3 जुलाई, 1990 को प्रकाशित हुई है, में निम्नलिखित संशोधन करती है।

उक्त अधिसूचना की अनुसूची में,

- (1) क्रम सं. 15 में कालम 2 के अन्तर्गत प्रविष्टियों हेतु निम्नलिखित को प्रतिस्थापित किया जाए, अर्थात् श्री बी.वी.एस.एस. प्रसाद, सहायक भविष्य निधि आयुक्त, मद्रास।
- (2) क्रम सं. 1 में कालम 2 के अन्तर्गत प्रविष्टियों हेतु निम्नलिखित को प्रतिस्थापित किया जाए, अर्थात्:—
ए. सुब्रामणियन, सहायक भविष्य निधि आयुक्त, हैदराबाद।

[सं. आर-11013/2/90-एस.एस.-II]

जे.पी. शुक्ला, अवर सचिव

New Delhi, the 25th July, 1995

S.O. 2147.—In exercise of the powers conferred by clause (kb) of Section 2 of the Employees' Provident Fund & Misc. Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following amendments in the Notification of the Government of India, Ministry of Labour, S.O. No. 533(E) dated the 29th June, 1990 published in Part-II, Section 3 Sub-Section (ii) of the Gazette of India, Extraordinary dated the 3rd July, 1990 namely:—

In the schedule to the said Notification,

- (I) Against serial No. 15 for the entry under column (2), the following shall be substituted, namely:

"Shri B. V. S. S. Prasad, Assistant Provident Fund Commissioner, Madras".

- (II) against serial No. 1 for the entry under column (2) the following shall be substituted, namely;

"A. Subramanian, Assistant Provident Fund Commissioner, Hyderabad".

[No. R-11013/2/90-SS.II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 26 जुलाई, 1995

का.प्रा. 2148—केन्द्रीय सरकार का यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित है, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ण) की उपधारा (vi) के अनुसरण में भारत सरकार के श्रम मंत्रालय की तारीख 13 जनवरी, 1995 की अधिसूचना संख्या 314 के तहत दिल्ली दुग्ध योजना के अधीन दुग्ध आपूर्ति उद्योग को उक्त अधिनियम के प्रयोजनार्थ 29 जनवरी, 1995 से छह माह की कालावधि के लिए लोकोपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त अवधि को और छह माह के लिए बढ़ाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ण) की उपधारा (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनार्थ 29 जुलाई, 1995 से छह माह की कालावधि के लिए लोकोपयोगी सेवा घोषित करती है।

[संख्या एस-11017/14/81-डी-1(ए)]

एस. वेणुगोपालन, अवर सचिव

New Delhi, the 26th July, 1995

S.O. 2148.—Whereas the Central Government having been satisfied that the public interest so required had in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 314 dated 13-1-1995 the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purposes of the said Act, for a period of six months from the 29th January, 1995;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months:

Now, therefore, in exercise of the powers conferred by the proviso to sub-sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for further period of six months from the 29th July, 1995.

[No. S-11017/14/81-DJ(A)]

S. VENUGOPALAN, Under Secy.

नई दिल्ली, 26 जुलाई, 1995

का.आ. 2149—जबकि केन्द्र सरकार इस बात से संतुष्ट है कि सार्वजनिक हित के लिए यह अपेक्षित है कि नाभिकीय ईंधन और संघटक, भारी पानी और संबन्धित रसायन, तथा आणविक ऊर्जा जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची में मद 28 की परिधि में आती है के विनिर्माण अथवा उत्पन्न में लगे औद्योगिक प्रतिष्ठानों को उक्त अधिनियम के प्रयोजनार्थ सार्वजनिक उपयोगिता सेवा वाले घोषित किया जाना चाहिए।

अतः, अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ठ) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, केन्द्र सरकार एतद्वारा तत्काल प्रभाव से 6 महीने की अवधि के लिए उक्त अधिनियम के प्रयोजनार्थ उक्त उद्योग को सार्वजनिक उपयोगिता सेवा वाला घोषित करती है।

[फा.सं. एस-11014/1/93-आई.आर. (पी.एल.)]

एस. वेणुगोपालन, अवसर सचिव

New Delhi, the 26th July, 1995

S.O. 2149.—Whereas the Central Government is satisfied that public interest requires that the industrial establishments manufacturing or producing Nuclear Fuel and Components, Heavy Water and Allied Chemicals, and Atomic Energy which are covered by item 28 in the first Schedule of the Industrial Disputes Act, 1947 (14 of 1947), should be declared Public Utility Service for the purpose of said Act.

Now, therefore, in exercise of powers conferred by Sub-Clause (vi) of Clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a Public Utility Service for the purpose of the said Act for a period of six months.

[F. No. S-11014/1/93-IR(PL)]

S. VENUGOPALAN, Under Secy.

नई दिल्ली, 27 जुलाई, 1995

का.आ. 2150—कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारत के राजपत्र असाधारण भाग II, खंड 3(ii) में दिनांक 8 जून, 1995 को प्रकाशित भारत सरकार, श्रम मंत्रालय की अधिसूचना सं. का.आ. 509(अ.) दिनांक 8 जून, 1995 में निम्नलिखित संशोधन करती है :—

उक्त अधिसूचना में “इस उद्देश्य हेतु केन्द्र सरकार द्वारा माय्यता प्राप्त चिकित्सकों के संगठनों के परामर्श से

धारा 4 के खंड (ज) के अन्तर्गत केन्द्र सरकार द्वारा नियुक्त” शीर्षक के तहत क्रम सं. 50 के सामने निम्नलिखित प्रविष्टि, जोड़ी जाएगी, अर्थात् :—

“वैद्य देवेन्द्र त्रिगुना

143—सराय कालेखाना

नई दिल्ली-110014”

[सं. यू.-16012/2/95-एस.एस.-1)]

जे.पी. शुक्ला, अवसर सचिव

New Delhi, the 27th July, 1995

S.O. 2150.—In exercise of the powers conferred by Section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour No. S.O. 509(E), dated the 8th June, 1995 published in the Gazette of India, Extraordinary Part II, Section 3(ii) dated the 8th June, 1995 :

In the said notification under the heading “Appointed by the Central Government under clause (h) of Section 4 in consultation with the organisations of medical practitioners recognised by the Central Government for the purpose” against Serial No. 50, the following entries shall be inserted namely :—

“Vaidya Devendra Triguna,
143-Sarai Kale Khan,
New Delhi-110014.”

[No. U-16012/2/95-SS. II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 12 जुलाई, 1995

का.आ. 2151 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार संयुक्त रेनफेड अपलैंड राइस रिसर्च स्टेशन के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिवारण, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-7-95 को प्राप्त हुआ था।

[संख्या एन-42011/11/89-आई.आर. (डी.यू.)]

कै.बी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 12th July, 1995

S.O. 2151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Central Rainfed Upland Rice Research Station and their workmen, which was received by the Central Government on 5-7-95.

[No. L-42011/11/89-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d)
of the I. D. Act, 1947

Reference No. 15 of 1990

PARTIES :

Employers in relation to the management of Central
Kaimen Upland Rice Research Station, Hazaribagh.

AND

Their Workmen.

APPEARANCES :

On behalf of the workmen: Smt. Ramanika Gupta,
President, Anusandhan and Farm Mazdoor Union.

On behalf of the employers: Shri S. Tully, Farm Supdt.

STATE: Bihar. INDUSTRY: Rice Research Station.

Dhanbad, the 26th June, 1995

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(a) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order NO. L-42011/11/82-I.L. (D.O.), dated, the 25th July, 1990.

SCHEDULE

"Whether the action of the management of Central Kaimen Upland Rice Research Station, Masipidi, Hazaribagh in not regularising Smt. Ranawa Devi, W/O. Deo Narayan Ram and 80 others workmen as mentioned in Annexure-1 and also not making payment of proper wages and other benefits to them is justified? If not, to what relief the workmen concerned are entitled?"

2. To meet the reference both the parties were summoned and in compliance of the said summons they filed their respective W.S.-cum-rejoinder in writing.

3. From the W.S. filed by the union it appears that the said union is attached to CIO and is in existence since 1987. The concerned workmen involved in this case are the labour of permanent nature and are continuing in work as against permanent vacancies. But they were stopped from working before completion of 240 days in order to avoid legal position that they are to be absorbed on completion of their work for such term. The said workmen worked from 1986, 6th June, till 1988 for a term of 25 days of last year and on complaints all the records of the management were seized. The further case is that they were employed for the work not always of their own name but in different names to avoid legal complicity but factually they used to continue in their work permanently and continuously and that would appear from the wagesheets of the labourers. In spite of the concerned workmen being employed for the purpose of doing permanent job in permanent manner by performing the work of labour, chowkidar, driver of tractor helper to tractor, cultivator, sewing etc. they were not allowed to enjoy the bonus and other benefits like P.F. etc. which are available to the permanent employees like other employees attached to the management in permanent manner. Also they were not paid as per rules equal pay for equal work.

3. It is stated further in the W.S. of the workmen that they are to perform the work in the said research institute throughout the year by performing various types of duties and they are not seasonal workers and the work is of such nature that they are to perform the work throughout the year continuously and thereby they are entitled to be considered as permanent employees. But research institute which

the management in this case depriving the concerned permanent employees from absorbing and regularising them as a permanent employees though the works are of permanent nature and thereby the matter was brought to the notice of the Tribunal, Hazaribagh. At that time the old employees were removed and new persons were employed for working in that job and so the reference is for regularising and absorbing them as a permanent labour with the back wages and granting other benefits like other permanent employees of the institute with other consequential reliefs.

4. The management in its W.S. has stated that it is misconception to say that this institute comes within the purview of Industrial Disputes Act, as it is not an "Industry". Actually it is Central Rice Research Institute under the administrative control of Indian Council of Agricultural Research and they are guided by ICAR rules and the body which is for Hazaribagh branch is an autonomous body registered under the Society Act.

5. It is further stated in their W.S. that the statement contained in the W.S. for 81 labourers working since 1980 is an outcome of imagination. Actually they are employed as labourers for a certain term for specific job and they were never engaged for more than 200 days in a year according to the guidelines of ICAR and nobody has any power to go beyond that rule.

6. Further it is stated in their W.S.-cum-rejoinder that it is false to say that the research work is carried out and the concerned workmen are employed throughout the year. Actually they are employed for cultivation etc. which does not exist for more than 6 months from the time of sowing till the time of harvesting including the work of constructing of road excavation of tank etc.

7. Therefore, the claim of the workmen for regularising them as permanent employees of the Institute with back wages and other benefits are not entertainable and the action of the management is justified and no relief should be granted to the workmen as prayed for.

8. In support of the respective cases both the workmen and the management have filed a number of documents which have been exhibited in this case. No doubt some are the pivots of this case and can be considered to be the guideline for coming to a correct decision.

9. Besides the said documentary evidence the parties have also adduced oral evidence. From the side of the management only one witness Sneikh Abdul Samad, MW-1 has been examined and on the side of the workmen three witnesses have been examined in support of the case of the workmen.

10. Let me consider the point for reference in the light of the oral and documentary evidence being accompanied by the legal positions in this regard.

11. No doubt the management of this is a Research Institute for research of high yielding rice etc. and other products related to it of like nature. Before coming into the merit of the case the first point which invites my decision is the instant reference as pointed out by the management is that whether this Research Institute can be considered to be "Industry" and if not, question cannot be decided bringing the matter within the ambit of I.D. Act, 1947.

12. In order to get a reply on that point whether the Research Institute is an "Industry" we can safely rely upon a case law reported in LLJ 1978 Vol. I at page 349 which was decided by Hon'ble Chief Justice and 5 other Hon'ble Judges of the Hon'ble Supreme Court of India in a case between Bangalore Water Supply and Sewerage Board, etc. etc. and A. Rajappa and others etc. etc.

13. In the said case their Lordships elaborately discussed what is the meaning of "Industry" under Section 2(i) of the I.D. Act, 1947 and their decision is that triple tests such as (1) systematic activity, (2) co-operation between employer and employee and (3) production and or distribution of goods and services calculated to satisfy human wants and wishes are to be taken into consideration and if those are satisfied prima facie whatever may be the nature and nomenclature of the concern that will be treated as an Industry.

In the instant case there is no dispute that systematic labourers are employed for the purpose of systematic research in the manner of high yielding crops with the co-operation between the employers and the employee and the result or crops of the research work is distributed to different cultivators thereby leading to satisfy human wants and wishes for getting better crops having a departure from the stereo type manner of cultivation. Thereby I hold that the three tests which have been pointed out by their Lordships for consideration in order to treat one organisation and bring the same as "Industry" within the ambit of I.D. Act, 1947 under Section 2(j) of the said Act appears to be fulfilled prima facie and thus I have no hesitation to hold that the present management is an Industry and that comes within the ambit of I.D. Act and the dispute if any raises between the management and the workmen that would be decided under the Industrial Disputes Act, 1947.

14. So this point is answered in favour of the workmen.

15. Let us proceed to the next point for consideration which involves various facts. Let me mention the said factors in a nutshell.

- (1) How many workers used to work in the said industry of the management for which period.
- (2) Whether they can be considered to be permanent employees as against permanent vacancies or they are seasonal workers as contended by the management.
- (3) Are they entitled to be regularised or absorbed as against permanent vacancy as claimed, and
- (4) If so, whether they are entitled to get back wages or the reliefs as claimed for ?

16. In the instant case let me refer the oral evidence first i.e. the evidence of MW-1 Sheikh Abdul Samad, an employee of Central Rice Research Station, Hazaribagh since 1980 who works there as Field Assistant. His main function is to make attendance of the workers engaged in the work and to look after the research work everyday. According to him the labourers were engaged on daily wage basis but the payment was made once in a week and he has denied that any payment was made on monthly basis. He has deposed further that he used to perform mainly the works entrusted to him by the Scientists such as seed germinate test, tiller counting, paddy in length and also he used to engage labourers as per requisition of the Scientists. Also from his evidence it transpires that the work of the labourers was for dressing the land, weeding out unnecessary growth, plantation of paddy crops and preparation of fields etc., and generally they used to be engaged from 15th June till October in a year and thereafter no labourers was required to be engaged. Of course sometimes some labourers were employed for the purpose of development work such as preparing of fields etc. but they were not more than 20 to 30 in numbers. From the cross-examination it had transpired that in the Institute at Hazaribagh within the present management four sections namely breeding, agronomy, soil science and pathology exist and in all the sections the involvement of labourers are required for doing certain jobs. But his evidence goes to show that the Scientists or other staffs attached to other department in the office as well as for the purpose of research work are permanent in nature as they are to perform the research work throughout the year. He has denied that after bringing the matter before the ALC(C) Hazaribagh in June, 1988 they have started taking labourer from outside on payment of below the rate of actual rate. He was suggested whether in the State of Orissa these types of workers were 81 in number were engaged as permanent staffs as Night guards, Home guards, Security guards and the labourers for the purpose of research work are driving tank, ploughing tractor. This witness has been constrained to admit that at the institute at Hazaribagh excavation of tank also started which remained incomplete and those were done by these workmen who were discontinued from their work after referring the dispute

to the ALC(C). It is also admitted the roads are to be constructed for movement of the vehicles, workers including other employees of the Institute but the concerned workmen cannot be utilised more than 6 months in a year for the nature of work discharged by them.

17. As against that WW-1 Md. Riaz Khan had deposed that he is driving tractors since 1985 and 85 workers including the concerned workmen were found to work in the year 1985 till 1988 June before stopping the concerned workmen from their work at that time in continuous manner. According to him though they used to work of permanent nature but they were paid less than that of the permanent employees and never the management allowed to continue in labour in any work more than 200 days to avoid law. He was cross-examined and in cross-examination it transpired that it is not a fact that in the year 1985 only 30 to 35 workers were only working in Off season i.e. in the month of January to May but they worked throughout the year in various manner.

18. WW-2 Deo Narain Prasad, one of the employees of the present management had deposed that he is working there since 1981 and they are count seeds, measure the length of paddy and they were 18 in numbers out of which 16 used to work as Watchmen and rest were working to other work relating to the work in the manner of helper to the Scientists. From his statement it appears that in the year 1989 the management engaged home guards and security guards and thereafter they were diverted to other workers and according to him they have experience of all types and as a Chowkidar he has to perform duties for 16 hours in a day but as Mazdoor at present he has to perform 8 hours duty in a day. From his statement it transpires that the total area of the Farm is 116 acres out of which 16 acres are used for research work and 50 acres are used in farm where crops such as paddy, urid and arhar are grown during the period from June to December and after that other crops namely wheat, gram, linseed, maize are grown. According to him the concerned workmen were used to be employed in the field for the purpose of such job. In cross-examination he is stucked to the said point and he has also referred the procedure followed in the head office at Cuttack where he worked for 8 days where the employees are paid bonus and wages more than that of the present workmen employed for the present management. It has transpired from his evidence that the attendance of the workmen are taken in the institute.

19. WW-3 Nand Kishore Pd. Sinha is a man of the Union. He has stated about the demand of the workmen with a claim of regularising them as permanent staff as it has been done at Cuttack in respect of the labourers of same nature which is the another institute under the same management or like of the same management and where the labourers of the same nature perform the same type of duty as it is performed by the same workmen.

20. Now I consider the relevant documents filed by the management as well as the workmen.

21. From the documents filed by the management I find that all are related to the appointments of the casual labourers in the concerned management issued by the department including the letter of the workmen putting forward their claim and letters related to the proceeding pending in the ALC(C) Hazaribagh.

22. The workmen filed the documents which consisted of some letters, notifications of Cuttack branch of the same institute and some papers relating to the affiliation of the Union.

23. The main point which was argued from the side of the management that it is not an "Industry" and on that point I have already given decision so it calls for no discussion at present. It was argued further that the workers are of the seasonal nature and on seasonal basis for the purpose of rice cultivation and assisting the Scientists and doing the job of helping in the matter of research and their work is only for the period from June to December and thereby they can be considered as seasonal worker.

24. In that context, the management has referred the evidence of the workmen arguing that from their evidence itself it would go to show that WW-1 used to work as substitute of the permanent driver of the worker of the Tractor on his absence and thereby he can never be considered as regular staff. I have gone through the evidence but I find that he along with other workmen used to be engaged for various types of job at labour and he used to ply tractor in absence of regular driver and thereby his engagement in the job is regular but the nature of job varies from time to time on requirement. Also it has been referred to the evidence of WW-2 D. N. Prasad who have claimed that their main functions were preparation of fields, sowing of seeds, counting of seeds, measurement of length of paddy etc., harvesting of crop and to carry the crops from field to the farm and according to him it was argued that their work was not more than 120 days i.e. from June to September but not from January to December. It was pointed that in case of such nature of work it cannot be said to be work of permanent nature but it was of seasonal nature and thereby the question absorbing or regularising them as permanent worker does not arise. It was argued further that appointment for security of the institute are of permanent nature and engagement of casual workmen or home guards or security guards for the security of the institute is made under proper guidelines of ICAR issued by the Ministry of Labour from time to time and in this context ICAR Letter No. 11-5/91-IA-IV dated 11th February, 1991 was referred to for the establishment that the work is not of permanent nature and also some circulars of Ministry of Labour, New Delhi was referred to about the regularisation of the casual labourers so far this research institute is concerned. Also it was brought to my notice to establish the fact that the said casual labourers can never be regularised nor they can be permitted to work for more than 200 days and thereby the claim for their regularisation as against the post of permanent vacancy does not come in.

25. My attention was also drawn to the certified copy of the judgement relating to a case No. C.W.J.C. No. 141 of 1991 (R) between Ahmad Hussain and others Vers. Birasa Agricultural University, Kanke Ranchi and others where their Lordships disposed off the case giving certain direction and the said directions are as follows:—

1. Article 16 of the Constitution ceased to have effect from 30th June, 1992 if the appointments in a regular post made without complying with the requirement of said Article and thereby the University was prohibited to regularise or confirm or grant permanency to any of such employees.
2. The University was asked to comply the steps to be taken in accordance with Article 16 of the Constitution to invite applications for filling up of such regular posts on advertisements and on interview.
3. It was directed further that the liability should not be fixed by the University only for the continuous service therein in any temporary or ad hoc capacity. Of course some relaxation be given in the matter of age in case of the persons worked therein before hand but prohibited University for making casual appointment in a seasonal work for a period more than 6 months at a time.

26. I have carefully gone through the said judgement and with full respect to the directions given by their Lordships in the said judgement I am of the view that if the present case fits with the facts and circumstances of that case I am to bow down with the decision of the Hon'ble Court and I shall have no other alternative than to pass an Award in the light of the observation and directions given therein. On careful scrutiny of the said Certified copy of the judgement of the Hon'ble High Court I am of the opinion that this case is distinguishable from the present case so far facts are concerned and the said directions and guidelines were given in the context of the facts and circumstances appear in the said case. Their Lordships passed the said judgement in a case where the grievances of the petitioners was that when an advertisement was issued by the University and they made applications as their lands were required for the

purpose of the university and their appointments were given on such ground and in that case it was observed by their Lordships that employment cannot be offered to such persons in violation of Article 16 of the Constitution without giving opportunity to other citizens having possibility of getting employment therein. Incidentally the question of serving some persons as casual labourers came into consideration and the guidelines were given. The recruitment should be made by an University in Compliance of Article 16 of Indian Constitution.

27. I shall not be wrong to point out that in this Tribunal the claim of the workmen is not for recruitment in any service but for regularisation as against permanent vacancies for working therein as casual labour giving right to be regularised under the I.D. Act as the case comes under the ambit of I.D. Act, 1947 and not under general law.

28. So I proceed to dispose off the case with paying full respect to the aforesaid judgement in the context of the other judgements passed by the Hon'ble Supreme Court and other Courts in this regard.

29. The first point which requires determination for disposal whether the present workmen can be considered to be the workmen performing the duties of permanent nature as against permanent vacancies. In this context there are catena of decisions where lights have been thrown. The matter should be disposed off when in the instant case admittedly the workmen have been failed to establish the fact that in their own name they continued in the work for more than 200 days from the registers itself though they claim that they worked throughout the year for various jobs relating to the cultivation and research not as seasonal worker.

30. To dispose off this point we are to proceed with some practical approach not in academic manner. No doubt in case of sowing seeds and harvesting the period does not exist 120 days. But we cannot ignore that in a research institute only the persons are employed for the work of cultivation only as because the Scientists are to make high yielding crops by different analysis and examination and experiments being assisted by the labours not by himself always.

31. When it is an institute of agricultural research the work is not expected to be confined within a room itself where the Scientists occupy their chair but that requires field where the work of cultivation by preparing soils by sowing seeds and by getting crops and by analysis. The result of such crops are to be looked into for development which will give result of the research and if it be found to enhance the growth of the crop that may be distributed to the farmers who are required to get such seeds for high yielding crops of different manners.

32. It is needless to say that for such work though all the workers are not needed but some workers which the management could not deny are needed throughout the year for doing such acts to assist the Scientists by way of performing the acts referred to above inclusive of preparation of roads, excavation of tanks etc. and also inclusive of the work of security of the institute itself.

33. In this premises we get light from the judgement of the Hon'ble Supreme Court reported in S.C.L.J. Vol. 5 page 3474 Jaswant Sugar Mills Ltd. Meerut versus Badri Prasad where it was held that the definition of permanent workman did not require that such workmen should be employed throughout the year. The work on which he is engaged should be of permanent nature and last throughout the year.

34. If we accept this view of the Hon'ble Supreme Court we cannot but say that the concerned workmen as per management were not employed throughout the year but the research work to which their work related to was of permanent nature and continues throughout the year. So this view of the Hon'ble Supreme Court cannot be ignored in any way and thereby I have no other alternative than to hold that the concerned workmen perform the duties of permanent nature.

35. Some cases though the books were not supplied to were referred to in the written argument reported in the Indian Factories and Labour Reports 1988 Page 209 Labour Notes, 1988 (Vol-I) page 48 Labour Law Note, 1988 page 580, I.L.J 1990 Page 803, Current Labour Reports 1990 page 581 and with reference to the said case laws it was argued that the concerned workmen are entitled for regularisation with retrospective effect and wages at par with permanent employees with retrospective effect with all arrears of wages.

36. Already I have pointed out that these books have not been placed before me so I am not in a position to see upon which facts the said decisions were given. But I cannot go by the said argument when it is submitted in writing from the side of the union.

37. Another point which has got great bearing in the instant case as referred to by the workmen and which appears from the statement of W-3 Shri N. K. P. Sinha. The said fact is that there is another Centre of same nature and of similar type of unit at Cuttack where similar type of workmen used to be engaged who were regularised step by step by issuing relevant office orders. I am of the opinion that this fact gives a death blow to the contention of the management which remains unexplained.

38. At the same time it would be unjust that the employees of the said nature will get some different treatment from another branch of the similar institute giving treatment of step mother like to other set of workmen by other branch of the similar institute if no special reason cannot be shown by the management. It would not be much to say than no such special reason was shown why this Tribunal will place the present workmen on different footing than that of the workmen who were engaged at Cuttack branch of the similar type of institute.

39. Besides the wage slips issued to the concerned workmen and the circular issued by the Indian Council of Agricultural Research, Krishi Bhavan, New Delhi from time to time exhibited as W-13, W-14 and W-15. Let us come to Ext. W-11 where the Administrative Officer, Shri P. C. Kanungo issued an office order dated 27-7-1989 in the Central Research Institute, Cuttack similar to the Rice Research Institute, Hazaribagh where it has been ordered that the labourers engaged at the said Institute would get an enhanced rate on the basis of equal pay for equal work during the work and also an example was given to the effect that if a labourer has worked from Monday to Saturday his wages for that week will be Rs. 32.25 P x 7 = 225.75 p. and the payment of casual labourers may be restricted only to the days on which they actually performed duties under the Institute with a pay weekly off as mentioned above and in addition to that they would be paid for National Holiday if it falls on working day for a casual worker. Thereafter by Circular dated 25-7-1989 of the same Research Institute, Cuttack an order was passed as per I.C.A.R. letter No. 24(6)/88-CDN dated 16-12-88 some casual labourers would be paid wages at an enhanced rate of the pay at the minimum of the pay scale of S.S. Gr. I in the scale of Rs. 750-12-870-EB-14-940 with D.A. as admissible to the Central Government employees from time to time for the work of 8 hours a day with effect from 17-7-1989 until further orders. So these circulars clearly go to show that the casual labourers would be paid in the pay scale as pointed earlier after performing job of 8 hours in a day. If this was accepted by CRRI, Cuttack then I fail to understand what promoted Central Rainfed Upland Rice Research Station, Hazaribagh not to accept which is of the same nature and thereby I cannot but hold that depriving the concerned workmen to get such scale of pay being regularised in accordance with law and depriving them by appointing casually from time to time on daily wage basis and by not awarding such benefit to them who are entitled to is unjustified.

40. At the same time I cannot ignore that if an Institute be asked to regularise such a large number of workmen as permanent employees under the scale as referred to or as accepted by the Research Institute at Cuttack it would become a burden without giving opportunity to take their own decision as per their requirement.

41. So I think that it would be wise if a direction be given to the management asking to form a committee consisting of three Sr. Most Officers after negotiation with the union if agreed and in case of disagreement as per choice of the management asking them to submit a report how many permanent workers are required to give employment of the concerned workmen to discharge the duty for 8 hours as permanent employees in the scale as given by the Research Institute, Cuttack pursuant to the Circular of ICAR by letter No. 24(6)/88-CDN dated 16-12-88 relating to the casual labourers amongst the present workmen considering the seniority of their age and to prepare a panel for the rest also considering their age for the purpose of seniority so long it is existed on occurring permanent vacancy due to further requirement or on retirement or on death or on any contingent event or in case of development of the Institute panel should be framed for the rest for future regularisation as against permanent vacancy as and when it would be available as per Ext. W-12 and in the fixing of said seniority for the permanent vacancy as it would be determined by the committee and for the preparation of the panel and seniority therein the committee may be consulted with the Secretary of the Union if so requires or desires. In that case the persons whose names will appear in the panel against the present workmen should be given opportunity to work as casual labour as and when it would be required by the Institute concerned and they would be paid @ Rs. 32.25 x 7 = Rs. 225.75 P. as per Ext. W-11 so long they are not regularised as against permanent vacancy and that chance would be given by turn as per availability of the workmen mentioned in the panel. No outsider is to be engaged before engaging the persons in panel if more man power is needed.

42. So the present reference is disposed off in the present manner. The action of the management of Central Rainfed Upland Rice Research Station, Masinidi, Hazaribagh in not regularising the concerned workmen in the light of the observation made above and not making payment proper wages and other benefits to them is unjustified. Accordingly the management is directed to form a committee consisting of 3 Sr. Officers inclusive of one Scientist atleast to prepare a list of persons required permanently throughout the year as per the terms and conditions mentioned in Ext. W-11 as permanent employees which would be required as per their estimation to discharge the work of the Institute smoothly and to give a scale as prescribed therein as per ICAR letter No. 24(6)/88-CDN dated 16-12-88 vide Ext. W-12. So far the workers to be employed permanently as per their calculation and estimation. The said committee would also prepare a list and make a panel for the remaining workmen for regularising and absorbing them in future vacancy as pointed out earlier subject to the condition that they would be taken as casual labourers in the said institute as and when it would be required as per terms and conditions as mentioned in Ext. W-1 till their regularisation as permanent employee and in the meantime no other outsider workmen would be employed for the work as casual labour in the said Institute. The committee would fix up a list both in respect of regularising in permanent vacancy and panel about the seniority of the age of the concerned workmen and they are at liberty to ask the Secretary of the union to submit a list in the directions given by this Tribunal for preparation of such list for regularising the concerned workmen as permanent staff and panel of the workmen as casual labourer till they are filled up against permanent vacancy under the aforesaid terms and conditions. As regards seniority of the workmen concerned the committee should submit their report within 3 months from the date of publication of the Award and in the meantime the workmen concerned be given job as casual labour under the terms mentioned in Ext. W-11 which is the office order No. 25/ADM II dated, the 27th July 1989 of Central Rice Research Institute, Cuttack for the days so long they work. The committee will submit a report within 3 months from the date of publication of this Award failing which the management will regularise all the concerned workmen as permanent employee under the scale of S.S. Gr. I i.e. in the scale of Rs. 750-12-870-FBR-14-940 with all other allowances admissible to the Central Government Employees from time to time as per ICAR Letter No. 24(6)/88-CDN dated 16-12-88. In view of the discussions and circumstances made above the claim of back wages of the concerned workmen is hereby not entertained.

This is my Award.

D. K. NAYAK, Presiding Officer

ANNEXURE

List of Workmen Involved in the dispute

कामगारों का नाम	उम्र	काम			
1. पनवा देवी पति देवनारायण राम	25	मजदूर	41. शिगनी देवी पति स्व. भायराम	45	मजदूर
2. मेघनारायण प्रसाद पिता छेदी दबा	26	बीकीदार / गार्ड	42. रजिया देवी पति लक्ष्मण राम	40	"
3. हरिप्रसाद उरांव पिता बहादुर उरांव	21	" "	43. घनवा देवी पति रामप्रसाद राम	35	"
4. मो. रियाज पिता मो. सबी	25	ट्रेक्टर ड्राइवर	44. बमेली देवी पति फूलबा राम	40	"
		बीकीदार	45. बिलसो देवी पति भुनेश्वर राम	21	"
5. रामेश्वर राम पिता किसुन राम	26	माली	46. बिन्दया देवी पति जैपाल राम	40	"
6. छोटेलाल पिता बसंत	23	बीकीदार/गार्ड	47. बरवा देवी पति घानी राम	40	"
7. करमी देवी पति जानकी राम	32	मजदूर	48. सोनिया देवी पति शिवशंकर राम	35	"
8. घनवा देवी पति सैरो राम	28	"	49. सुसिता देवी पति राजेश राम	21	"
9. सीतवा देवी पति महादेव राम	36	"	50. सारोदेवी पति उदय राम	25	"
10. गोपाल गोप पिता कुनु गोप	24	बीकीदार/गार्ड	51. कोशिला देवी पति करम राम	21	"
11. जीतन राम पिता लालजोराम	24	" "	52. प्रवेशी देवी पति बाबूलाल राम	30	"
12. मंभरा उरांव पिता बहादुर उरांव	25	" "	53. सोमरी देवी पति सीता राम	30	"
13. भुवनेश्वर उरांव पिता गुना उरांव	23	" "	54. निर्मलादेवी पति विजय राम	25	"
14. सीरथ राम पिता धुनीत राम	26	" "	55. नसीबन पति बसीम	30	"
15. सरस्वतिया देवी पति युगल रविदास	40	मजदूर	56. रेशमी देवी पति छोट लाल राम	21	"
16. जनवा देवी पति रामेश्वर राम	29	"	57. केसिना देवी पति भूपत राम	22	"
17. सीताधर महतो पिता टहल महतो	27	"	58. जमनी देवी पति तिलक राम	22	"
18. सुमित्रा देवी पति नागेश्वर राम	30	"	59. सुन्दरी देवी पति जानकी राम	35	"
19. बालेश्वर राम पिता रामधनी राम	22	"	60. सोहकतिया पति शंकर राम	30	"
20. बाबा पिता सीरथ राम	26	"	61. पावतिया देवी पति बंशी राम	35	"
21. मालती देवी पति गेंधन राम	23	"	62. रिघवा देवी पति गेम्बाराम	26	"
22. गूलाबीदेवी पति चुरामन राम	26	"	63. जयनारायण राम पिता महादेव राम	22	"
23. रुबन देवी पिता परमेश्वर	22	"	64. झलवा देवी पिता छेदी राम	28	"
24. सुतिया पिता पणु राम	28	"	65. केदार नाथ पंडित पिता जनेश पंडित	21	"
25. नगीचा देवी पिता गोपाल राम	29	"	66. शूभ गोप पिता ब्रह्मरी गोप	26	बीकीदार/गार्ड
26. सारी देवी पिता नन्धकिशोरराम	30	"	67. नेहरू राम पिता जयवीरथ राम	23	मजदूर
27. कुमी देवी पति रामा राम	24	"	68. शशिधर राम पिता विदेशी राम	21	"
28. सुमित्रा देवी पति हरिया राम	26	"	69. शंकर राम पिता सीटन राम	22	"
29. पछादा देवी पति शंकर राम	26	"	70. बंशी राम पिता मुन्ना राम	28	"
30. कुन्नी देवी पति सरयू राम	26	"	71. मुकुल राम पिता बिसुन राम	24	"
31. पान्नि देवी पति पणु राम	21	"	72. बासदेव राम पिता रामधनी राम	26	"
32. पनवा देवी पति जयनारायण राम	40	"	73. दत्तराम पिता मुखन राम	24	"
33. सीतवा देवी पति कारू राम	25	"	74. इ कुम्मी देवी पति मुरारीराम	30	"
34. सोनी देवी पिता मुकुलराम	22	"	75. चुरामन राम पिता मुखन राम	30	"
35. धुरापति देवी पिता शनिवर राम	21	"	76. इंदरपति देवी पति शनिधर राम	30	"
36. पुतिया देवी पति कालीराम	40	"	77. तारी कुमारी पुत्री जयनारायण राम	20	"
37. गनसी देवी पति भुनेश्वर राम	40	"	78. मृगधा देवी पुत्री हरि राम	20	"
38. हेमन्तनत देवी पिता पति मोती राम	28	"	79. हरिया राम		
39. सारो देवी पति रामलाल राम	30	"	80. सुनिया देवी पति महेंद्र राम	28	"
40. सीता देवी पति झालीराम राम	30	"	81. मासिरीया देवी पति मेघनाथ राम	26	"